

# Best Available Copy, 09.02.05



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

09/199,655

Applicant

MATHIES, ET AL.

Filed

NOVEMBER 25, 1998

Title

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

1743

Examiner

WARDEN, JILL ALICE

Atty Docket No.

AFFY-0019-8

Express Mail

ED 897952397

Mail Stop Petitions Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The below-identified communication(s) is (are) submitted in the above-captioned application or proceeding:

 $\boxtimes$ 

Letter to the Office of Petitions including Attachments 1 through 8

- 1. Notice of Abandonment mailed August 22, 2002.
- 2. Petition to Revive and RCE filed January 23, 2003.
- 3. Dismissal of Petition to Revive mailed June 13, 2003.
- 4. Renewed Petition to Revive filed October 14, 2003.
- 5. Facsimile of February 3, 2004 to Latrice Bond providing a Letter to the Office of Petitions summarizing events to that date, along with a copy of the previously submitted Request for Renewed Petition filed on October 14, 2003, which was not entered into the record of this application.
- 6. A copy of the Status Inquiry mailed May 6, 2004.
- 7. A copy of facsimile to John Gillon sent on June 30, 2004.
- 8. Status Inquiry Filed January 27, 2005

 $\boxtimes$ 

Application Fee Transmittal

X

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, including fees under 37 C.F.R. §§ 1.16 and 1.17 or credit any overpayment to **Deposit Account Number 10-0233-AFFY-0019-8**.

Respectfully submitted,

Michael G. Verga

Registration Number 39.410

"Express Mail" label no. ED 897952397

Date of Deposit September 1, 2005

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Alexandria, VA. 22313.1450

Typed Name: Kimberly M. Vance

JAGTIANI + GUTTAG

Democracy Square Business Center 10363-A Democracy Lane Fairfax, Virginia 22030 (703) 591-2664 September 1, 2005

# Patent Fee Transmittal Applicate laims Small Entity Status 37 C.F.R. 1.27 TOTAL AMOUNT OF PAYMENT \$

\$420.00

Application Number Filing Date Named Inventor **Examiner Name** Art Unit

09/199,655 25-Nov-98 MATHIES, et al. WARDEN, Jill Alice 1743 AFFY-0019-8

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Telephone

703.591.2664

Signature

For the above-identified deposit account, the Director is hereby authorized to:

To charge any additional fees which may be required under 37 CFR 1.16, 1.17, 1.18, 1.20 and 1.492 or credit any overpayment to the

To charge the above-identified fee.

deposit account number listed above.

703.591.5907

September 1, 2005

Date



### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

09/199.655

Applicant

MATHIES, ET AL.

Filed Title

NOVEMBER 25, 1998

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit ,

1743

Examiner

WARDEN, JILL ALICE

Atty Docket No.

AFFY-0019-8 (FORMERLY 104464-0002CPA)

Mail Stop Petitions P.O. Box 1450

Alexandria, VA 22313-1450

# LETTER TO OFFICE OF PETITIONS

Sir:

To facilitate processing of this now fourth submission of the noted Renewed Petition, Applicant offers the following summary of events which have occurred to date:

August 22, 2002

Notice of Abandonment mailed. (Attachment 1)

January 23, 2003

Petition to Revive and RCE filed. (Attachment 2)

June 13, 2003

Petition to Revive was dismissed due to lack of substantive response.

(Attachment 3)

**First Submittal of Renewed Petition** 

October 14, 2003

Filed Renewed Petition to Revive (w/Two-Month Extension of Time)

(Attachment 4)

February 2, 2004

Ms. Joyce Hanline of this office telephoned Ms. Latrice Bond, Paralegal

Specialist at the Office of Petitions to determine the status of the October 14, 2003 filing. Ms. Bond indicated that there was no record of the October 14<sup>th</sup>

filing and suggested that a copy be faxed to the Office of Petitions.

Note:

Subsequent investigation revealed that USPS likely did not deliver first submission due to (1) date-stamped post card was not returned;

and (2) check paying fee for extension of time was not cashed.

Second Submittal of Renewed Petition

February 3, 2004

Renewed Petition to Revive faxed to Ms. Bond of Office of Petitions.

(Attachment 5)

Ms. Bond confirmed receipt.

May 6, 2004

A Status Inquiry was filed. (Attachment 6)

(Note: No reply to this status inquire was ever received.)

June 30, 2004

Undersigned placed call to Mr. John Gillon of Office of Petitions

09199655 09/06/2005 EAYALEW1 00000006 100233 Application Number: 09/199,655

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requesting status of Renewed Petition.

(Note: Mr. Gillon was called because the undersigned communicated with Mr. Gillon on another matter in the past and recalled Mr. Gillon as being responsive and knowledgeable.)

Mr. Gillon indicated that the lack of response was likely caused by the fact that in February of 2004 Ms. Bond left on extended medical leave. Concerned that the second submittal may not have been entered by Ms. Bond prior to her departure, Mr. Gillon suggested we send to him a copy of the second submission via facsimile to his attention.

#### Third Submittal of Renewed Petition

 June 30, 2004 A copy of prior communications was forwarded via facsimile to John Gillon. Mr. Gillon acknowledged receipt of the documents in a

subsequent phone conversation with the undersigned. (Attachment 7)

• Fall, 2004 Undersigned placed a number of calls to. Mr. Gillon to follow up on the second submission. Mr. Gillon informed the undersigned that he would not personally address the petition due to a new procedure implemented in the Office of Petitions regarding the assignment of work. Unfortunately, Mr.

Gillon was unable to provide the undersigned with the name of the person assigned to address the petition, either due to the fact that it was not yet assigned (it was a newly implemented procedure) or because of the fact that the Office of Petitions was preparing for, or in the wake of, moving to a new

facility.

January 27, 2005 A status inquiry was filed. (Attachment 8)

(Note: A really to this status in guiry was a years read.)

(Note: A reply to this status inquiry was every received.)

• June 20, 2005 Kimberly Vance of this office spoke with John Gillon regarding this matter. He suggested refilling the petition with a history of the

application and proof of October 14, 2003 filing.

• June 22, 2005 Kimberly Vance again contacted the Office of Petitions, at the client's

request, to determine whether a different approach should be taken to have the renewed petition addressed. The phone contact for a supervisor,

Mr. Pearson, was provided.

• June/July 2005 The undersigned left voice mail messages for Mr. Pearson on a number of

occasions. A return call was never received.

• August 23, 2005 The undersigned attempted to contact Mr. Pearson and spoke to a Ms.

Carol Bidwellwho was temporarily assuming the responsibilities of Mr. Pearson. Ms. Bidwell was very accommodating, spending considerable time listening toan oration of the above history, and searching the PTO electronic systems for information. Ultimately, Ms. Bidwell indicated that there is no physical file to review, and recommended re-filing via Express Mail the renewed petition with a summary of the history. She also

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September 1, 2005

recommended that we follow up with either Randy Green or Ira Lazarus (the two supervisors in the Office of Petitions) to verify the petition was properly assigned and will be addressed.

#### Fourth Submittal of Renewed Petition

• Sept. 1, 2005 Applicants hereby submit, for the fourth time, the Renewed Petition.

As the original check in the amount of \$420.00 included in the October 14<sup>th</sup> filing was also not received, the Commissioner is hereby authorized to charge \$420.00 to Deposit Account Number **10-0233 AFFY-0019-8**. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 10-0233 pursuant to 37 CFR 1.25. Additionally, please charge any fees to Deposit Account 10-0233 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed. If extensions of time are necessary to allow consideration of this paper, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefore, including fees for net addition of claims, are hereby authorized to be charged to Deposit Account No. 10-0233.

Your prompt attention to this Renewed Petition to Revive is respectfully requested.

Respectfully submitted,

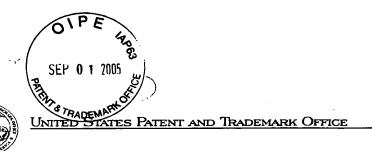
-Michael G. Verga

Registration No. 39,410

JAGTIANI + GUTTAG

Democracy Square Business Center 10363-A Democracy Lane Fairfax, Virginia 22030 (703) 591-2664

September 1, 2005



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO			
09/199,655	11/25/1998	RICHARD A. MATHIES	71180-024827	3941			
75	590 08/22/2002						
	MADISON & SUTRO		EXAMINER				
	GUEROA STREET SUI7 S, CA 900175443	TE 1200	BEX, PATRICIA K				
			ART UNIT	PAPER NUMBER			
			1743	<del></del>			
	•		DATE MAILED: 08/22/2002				

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
PILLSBURY WINTHROP LLP/LA

AUG 2 6 2002

CL#\_ O.7 | | 80 MT# 0248272

ATTY(S) AFTYMETRIX - JBG/SDC

DUE: 100V. 22, 2002 - (3 MOD.)

DKT BY (1) MSG (2)



Application No.	Applicant(s)	_
09/199,655	MATHIES ET AL.	
Examiner	Art Unit	_
P. Kathryn Bex	1743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 March 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<ul> <li>4.  Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</li> <li>5.  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:</li> <li>6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.</li> <li>7.  For purposes of Appeal, the proposed amendment(s) a) ☑ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: NONE.  Claim(s) objected to: 1-3, 6, 9-13.  Claim(s) rejected:  Claim(s) withdrawn from consideration:  8.  The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.</li> <li>9. Note the attached Information Disclosure Statement(s) ( PTO-1449) Paper No(s)</li> </ul>	PERIOD FOR REPLY [check either a) or b)]
no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the feet. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the feet. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the feet. The appropriate extension fee have been filed is the date of the final rejection, even if the filed in the period of the final rejection, even if filed in the period of the final rejection, even if filed filed in the period of the final rejection, even if filed in the period of the final rejection, even if filed in the period of the final rejection, even if filed in the period of the final rejection, even if filed in the period of the final rejection, even if filed in the period of the final rejection, even if filed in the period of the final rejection, even if filed in the period of the final rejection, even if filed in the period of the final rejection, even if filed in the period of the final rejection in the filed within the period set forth in 37 CFR 1.136(a). The filed within the period set for the final rejection in the filed in the filed in the filed in the filed within the period set for the filed within the period set for the filed in	a) The period for reply expires <u>3</u> months from the mailing date of the final rejection.
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding and of the period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the malling date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  1. A Notice of Appeal was filed on	no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP
37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2. □ The proposed amendment(s) will not be entered because:  (a) □ they raise new issues that would require further consideration and/or search (see NOTE below);  (b) □ they raise the issue of new matter (see Note below);  (c) □ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) □ they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet.  3. □ Applicant's reply has overcome the following rejection(s):  4. □ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. □ The a) □ affidavit, b) □ exhibit, or c) □ request for reconsideration has been considered but does NOT place the application in condition for allowance because:  6. □ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. □ For purposes of Appeal, the proposed amendment(s) a) □ will not be entered or b) □ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: NONE.  Claim(s) objected to: 1-3, 6, 9-13.  Claim(s) rejected:  Claim(s) withdrawn from consideration:  8. □ The proposed drawing correction filed on is a) □ approved or b) □ disapproved by the Examiner.  9. □ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s)	Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if
2.	1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
(b) ☐ they raise the issue of new matter (see Note below); (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet.  3. ☐ Applicant's reply has overcome the following rejection(s):  4. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because:  6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: NONE.  Claim(s) objected to: 1-3, 6, 9-13.  Claim(s) rejected:  Claim(s) withdrawn from consideration:  8. ☐ The proposed drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner.  9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s)	<u> </u>
(c)	(a) ☑ they raise new issues that would require further consideration and/or search (see NOTE below);
issues for appeal; and/or  (d)	(b) they raise the issue of new matter (see Note below);
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NOTE: See Continuation Sheet.  3. Applicant's reply has overcome the following rejection(s):  4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5. The a) fildavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:  6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: NONE.  Claim(s) objected to: 1-3, 6, 9-13.  Claim(s) rejected:  Claim(s) withdrawn from consideration:  8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	(d) they present additional claims without canceling a corresponding number of finally rejected claims.
<ul> <li>4.  Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</li> <li>5.  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:</li> <li>6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.</li> <li>7.  For purposes of Appeal, the proposed amendment(s) a) ☑ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: NONE.  Claim(s) objected to: 1-3, 6, 9-13.  Claim(s) rejected:  Claim(s) withdrawn from consideration:  8.  The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.</li> <li>9. Note the attached Information Disclosure Statement(s) ( PTO-1449) Paper No(s)</li> </ul>	NOTE: See Continuation Sheet.
canceling the non-allowable claim(s).  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:  6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: NONE.  Claim(s) objected to: 1-3, 6, 9-13.  Claim(s) rejected:  Claim(s) withdrawn from consideration:  Claim(s) withdrawn from consideration:  The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.  Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s).	3. Applicant's reply has overcome the following rejection(s):
application in condition for allowance because:  6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. ☑ For purposes of Appeal, the proposed amendment(s) a) ☑ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: NONE.  Claim(s) objected to: 1-3, 6, 9-13.  Claim(s) rejected:  Claim(s) withdrawn from consideration:  8. ☐ The proposed drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner.  9. ☐ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)	4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
raised by the Examiner in the final rejection.  7. □ For purposes of Appeal, the proposed amendment(s) a) □ will not be entered or b) □ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: NONE.  Claim(s) objected to: 1-3, 6, 9-13.  Claim(s) rejected:  Claim(s) withdrawn from consideration:  8. □ The proposed drawing correction filed on is a) □ approved or b) □ disapproved by the Examiner.  9. □ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)	5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:
explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: NONE.  Claim(s) objected to: 1-3, 6, 9-13.  Claim(s) rejected:  Claim(s) withdrawn from consideration:  8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)	
Claim(s) allowed: NONE. Claim(s) objected to: 1-3, 6, 9-13. Claim(s) rejected: Claim(s) withdrawn from consideration:  8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)	7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
Claim(s) objected to: <u>1-3, 6, 9-13</u> .  Claim(s) rejected:  Claim(s) withdrawn from consideration:  8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)	The status of the claim(s) is (or will be) as follows:
Claim(s) rejected:  Claim(s) withdrawn from consideration:  8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)	Claim(s) allowed: NONE.
Claim(s) withdrawn from consideration:  8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)	Claim(s) objected to: <u>1-3, 6, 9-13</u> .
8.☐ The proposed drawing correction filed on is a)☐ approved or b)☐ disapproved by the Examiner. 9.☐ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)	Claim(s) rejected:
9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)	Claim(s) withdrawn from consideration:
	8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.
	9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)
	10.⊠ Other: <u>See Continuation Sheet</u>
·	

#### **Continuation Sheet (PTO-303)**

Application No. 009/199,655

Proposed amendment to claim 1, does overcome the cited prior art. However, the amendment raises new issues that would require further consideration and/or search. Examiner did not indicate that proposed changes to claim 1 would be entered in an after-final amendment, see interview summary, paper no. 19. Additionally, the proposed amendment to claim 1 does not place the application in better form for appeal by materialy reducing the issues for appeal, for example: line 17 now recites "in either the first container of the second container" and "a second capillary tube" on last line lacks antecedent basis.

Continuation of 10. Other: Newly found Hormann et al reference (USP 6,258,323 B1) do teach a first container 4 encased in a housing 2 wherein a pressure altering device 114 applies a pressure differential that causes liquid contained in the first container 4 to be transferred through a first capillary 100 to containers 110 A-B and a second capillary tube extending into container 4 and terminating at a waste container 126 (Fig. 8).

/Jill Warden
Supervisory Patent Examiner
Technology Center 1700



Application No.	Applicant(s)
09/199,655	MATHIES ET AL.
Examiner	Art Unit
P. Kathryn Bex	1743
	vith the correspondence address
of Mailing or Transmission date of month(s)) which exp	
des not constitute a proper rep	iy under 37 CFK 1.113 (a) to the illial
iled Notice of Appeal (with app	ly filed amendment which places the eal fee); or (3) a timely filed Request for
stitute a proper reply, or a bona ee explanation in box 7 below).	fide attempt at a proper reply, to the non-
and publication fee, if applicabl L-85).	e, within the statutory period of three months
	Certificate of Mailing or Transmission dated to the control of the
nce of \$ is due.	
. The publication fee, if require	ed by 37 CFR 1.18(d), is \$
not been received.	
equired by, and within the three	e-month period set in, the Notice of
(with a Certificate of Mailing	g or Transmission dated), which is
the attorney or agent of record	, the assignee of the entire interest; or all of
an attorney or agent (acting in	a representative capacity under 37 CFR
	because the period for seeking court review
Sı	Jill Warden  pervisory Patent Examiner Technology Center 1700
	D9/199,655  Examiner  P. Kathryn Bex  In prears on the cover sheet was appears  by the cover sheet was appeared by the cover sheet w

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

I.S. Patent and Trademark Office

TO-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 21

5.

7.



Atty Docket No.: 104464-0002

Richard A. Mathies, et al. Inventor:

Filing Date: February 28, 2001 09/199,655-Conf. #3941 **Application No.:** 

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM Title:

**Documents Filed:** 

Petition to Revive Application Unintentionally Abandoned (2 pages)

Fee Transmittal (1 page)

Transmittal (1 page)

Request for Continued Examination (1 page)

Check in the amount of \$750.00 covering the Request for Continued Examination Fee

Check in the amount of \$1,300.00 covering the Petition to Revive fee

Via: First Class Mail

Sender's Initials: MGV/mdf Revocation of Power of Attorney (1 page) Power of Attorney (1 page)

Statement Under 37 CFR 3.73(b) (1 page)

Letter to Examiner (1 page)

Change of Correspondence Address (1 page) PTO SB-122 (1 page)

Date: January 23, 2003

Please type a plus sign in this box	1995 no parsons are requi		PTO/SB/21 (08-00 pproved for use through 10/31/2002. OMB 0651-003 demark Office: U.S. DEPARTMENT OF COMMERCI information unless it displays a valid OMB control numbe
TRANSMITT FORM  (to be used for all correspondence after	AL	Application Number Filing Date First Named Inventor Group Art Unit Examiner Name	09/199,655 February 28, 2001
Total Number of Pages in This Submiss		Attorney Docket Numb	
X Fee Transmittal Form  X Fee Attached  Amendment/Reply  After Final  Affidavits/declaration(s)  Extension of Time Request  Express Abandonment Request  Information Disclosure Statement  Certified Copy of Priority Document(s)  Response to Missing Parts/ Incomplete Application  Response to Missing Parts under 37 CFR 1.52 or 1.53	Assignment F (for an Application Drawing(s) Licensing-relation X Petition to Re Abandoned A Petition to Co Application V Power of Attor	ated Papers vive Unintentionally pplication nvert to a Provisional ney, Revocation respondence Address claimer	After Allowance Communication to Group  Appeal Communication to Board of Appeals and Interferences  Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  Proprietary Information  Status Letter  X Other Enclosure(s) (please identify below)  Request for Continued Examination; Formality Letter to Examiner; PTO SB-122; and Return Postcard
SIGNA Firm NUTTER MCCLENI		NT, ATTORNEY, OR A	GENT
NOTTER INCOLENT or Individual Name  Signature  Date  January 23, 2003			7
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Transmit hereby certify that this correspondence is being deposited with the kan envelope addressed to: Box DAC, Commissioner for Patental Via	nittal On Postal Service with sufficient postage as First Class Mail, in
an envelope addressed to: Box DAC, Commissioner for Patenta, wa	asnington, DC 20031, on the date shown below.
Dated: January 23, 2003 Signature:	(Michael D. Feiler)

PTO/SB/17 (10-02)

Approved for use through 10/31/2002. OMB 0651-0032 Jinder the Papery Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Complete if Known RANSMITTAL 09/199,655-Conf. #3941 Application Number for FY 2003 Filing Date February 28, 2001 First Named Inventor Richard A. Mathies Patent fees are subject to annual revision. **Examiner Name** P. Bex Applicant claims small entity status. See 37 CFR 1.27 1743 Group Art Unit TOTAL AMOUNT OF PAYMENT 104464-0002 (\$) 2.050.00 Attorney Docket No. METHOD OF PAYMENT (check all that apply) FEE CALCULATION (continued) X Check 3. ADDITIONAL FEES **Deposit Account** Large Entity Small Entity Deposit 141449 Fee Fee Description Code (\$) Code (\$) Number Fee Paid Deposit 1051 130 2051 65 Surcharge - late filing fee or oath Nutter McClennen & Fish LLP Account Name Surcharge - late provisional filing fee or cover 1052 50 2052 25 The Commissioner is hereby authorized to: (check all that apply) sheet Charge fee(s) indicated below X Credit any overpayments 130 Non-English specification 1053 130 1053 Charge any additional fee(s) during the pendency of this X 1812 2,520 1812 2,520 For filing a request for ex parte reexamination Requesting publication of SIR prior to Charge fee(s) indicated below, except for the filing fee 1804 920 1804 9201 Examiner action Requesting publication of SIR after to the above-identified deposit account. 1805 1,840 1805 Examiner action **FEE CALCULATION** 2251 55 1251 110 Extension for reply within first month 1. BASIC FILING FEE 1252 400 2252 Extension for reply within second month Large Entity Small Entity 1253 920 2253 460 Extension for reply within third month Fee Fee Fee Description 1254 1,440 2254 Extension for reply within fourth month Code (\$) Code (\$) Fee Paid 1001 740 2001 Utility filing fee 370 1255 1.960 2255 980 Extension for reply within fifth month 1002 330 2002 165 Design filing fee 1401 320 2401 160 Notice of Appeal 1003 510 2003 255 Plant filing fee 1402 320 2402 Filing a brief in support of an appeal 1004 740 2004 370 Reissue filing fee 1403 280 2403 140 Request for oral hearing 1005 160 2005 Provisional filing fee 1451 1,510 1451 1,510 Petition to institute a public use proceeding 1452 110 2452 55 Petition to revive - unavoidable SUBTOTAL (1) 0.00 1453 1.280 2453 640 Petition to revive - unintentional 1,300.00 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE 1501 1.280 2501 640 Utility issue fee (or reissue) Extra Fee from 1502 460 2502 230 Design issue fee Claims below Fee Paid Total Claims 1503 620 2503 310 Plant issue fee Independent 1460 130 1460 Petitions to the Commissioner Claims Multiple Dependent 1807 50 1807 50 Processing fee under 37 CFR 1.17(a) 1806 180 1806 180 Submission of Information Disclosure Strnt Large Entity Small Entity Fee Code Fee (\$) Recording each patent assignment per (\$) Fee Description 8021 Code 40 8021 40 property (times number of properties) 1202 18 2202 9 Claims in excess of 20 Filing a submission after final rejection 1809 740 2809 370 (37 ČFR 1.129(a)) 1201 84 2201 42 Independent claims in excess of 3 For each additional invention to be 1810 740 2810 370 1203 280 2203 140 Multiple dependent claim, if not paid examined (37CFR 1.129(b)) 1204 2204 84 42 Reissue independent claims 1801 740 2801 370 Request for Continued Examination (RCE) 750.00 over original patent Request for expedited examination 1802 900 900 1802 1205 18 2205 Reissue claims in excess of 20 of a design application and over original patent Other fee (specify) SUBTOTAL (2) (\$) 0.00 \*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 2,050.00 \*\*or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		Complete	(if applicable)
Name (Print/Type) Michael G Verga	Registration No. (Attorney/Agent) 39,410	Telephone	(617) 439-2871
Signature		Date	January 23, 2003

Fee Transmittal I hereby certify that this correspondence is being deposited with the U.S. Dosen Stan envelope addressed to: Box DAC, Commissioner for Palenti, Washington, DQ Service with sufficient postage as Fil 20231, on the date shown below. ufficient postage as First Class Mail, in an envelope addressed to: Box DAC, Commissioner for P Dated: January 23, 2003 Signature (Michael D. Feiler)

Nutter, McClennen & Fish, LLP

World Trade Center West 155 Seaport Boulevard Boston, MA 02210-2604 , Date:

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Michael F.

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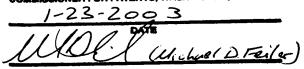
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	<u>Disb Date</u> 1/23/2003	<u>Client</u> 0104464	<u>Matter</u> 00002	<u>Disb</u> FILFEE	<u>Description</u> Filing Fee		<u>Amount</u> \$750.00
		Totals:		\$750.00	\$750.00	\$0.00	\$750.00



Michael F.

HEREBY CERTIFY THAT THIS CORRESPONDENCE IS DE THE UNITED STATES POSTAL SERVICE AS FIRS IN AN ENVELOPE ADDRESSED TO: ASSI MISSIONER FOR PATENTS, WASHINGTON, DC 201





Docket No.: 104464-0002

Group Art Unit: 1743

Examiner: P. Bex

(PATENT)

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Richard A. Mathies, et al

Application No.: 09/199,655

Filed: November 25, 1998

For: MICROPLATE SAMPLE AND REAGENT

LOADING SYSTEM

# LETTER TO THE EXAMINER

Examiner Bex Commissioner for Patents Washington, DC 20231

Dear Examiner Bex:

This paper is being filed with a Petition to Revive an unintentionally abandoned application and request for continued examination (RCE) application. Also filed with this paper is a revocation of all previous powers of attorney and appointment of new practitioners, including the undersigned, to prosecute the captioned application on behalf of the assignee of record, Affymetrix, Inc.

Due to the complexities in the prosecution of the parent application, the undersigned requests that the examiner contact the undersigned prior to examining the RCE application to arrange a time at which a substantive interview on the merits can be conducted. The undersigned will then file a Preliminary Amendment for examination.

Dated: January 23, 2003

Respectfully submitted,

Michael G. Verga Registration No.: 39,410

NUTTER MCCLENNEN & FISH LLP

World Trade Center West 155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2871

Attorneys for Applicant



# Approved for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

UNINTENTIONALLY UNDER 37 CFR 1.137(b)	104464-0002					
First named inventor: Richard A. Mathies						
Application No: 09/199,655-Conf. #3941 Art U	Init: 1743					
Filed: February 28, 2001 Exam  Title: MICROPLATE SAMPLE AND REAGENT LOADING SY	niner: P. Bex 'STEM					
Attention: Office of Petitions Box DAC Commissioner for Patents Washington, DC 20231						
NOTE: If information or assistance is needed in completing this form, p Information at (703) 305-9282.	please contact Petitions					
The above-identified application became abandoned for failure to file a by the United States Patent and Trademark Office. The date of abando of the period set for reply in the Office notice or action plus any extension	onment is the day after the expiration date					
APPLICANT HEREBY PETITIONS FOR REVIVAL O	F THIS APPLICATION					
<ul> <li>NOTE: A grantable petition requires the following items:</li> <li>(1) Petition fee;</li> <li>(2) Reply and/or issue fee;</li> <li>(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and</li> <li>(4) Statement that the entire delay was unintentional.</li> </ul>						
1. Petition fee  Small entity – fee \$ (37 CFR 1.17(m)). App  See 37 CFR 1.27.  X Other than small entity – fee \$ 1 300 00 (37 CFR 1.17						
X Other than small entity – fee \$1,300.00 (37 CFR 1.17)  2. Reply and/or fee	·(m))					
A. The reply and/or fee to the above-noted Office action in the form of <b>Request for Continuing Examination</b> (identity).						
has been filed previously on						
x is enclosed herewith.						
B. The issue fee of \$						
has been paid previously on						
is enclosed herewith.						
Petition to Revive Application Unintentionally	y Abendoned					
I hereby certify that this correspondence is being deposited with the U.S. Postal Servi an envelope addressed to: Box DAC, Commissioner for Patents, Washington	oe with sufficient postage as First Class Mail, in 221, on the date shown below.					
Dated: January 23, 2003 Signature:	(Michael D. Feiler)					

PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required. A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63). STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))]. January 23, 2003 Date Michael G. Verga Telephone Typed or printed name (617) 439-2871 Number: **NUTTER MCCLENNEN & FISH LLP** World Trade Center West 155 Seaport Boulevard Boston, Massachusetts 02210-2604 Address Fee Payment **Enclosures:** Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: 1174899.1

SEF 0 1 7005

Name (Print/Type)

Signature

PTO/SB/30 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Death Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Commissioner for Patents
Box RCE
Washington, DC 20231

portation described information drivess it displays a valid of the control flumber.							
Application Number	09/199,655-Conf. #3941						
Filing Date	February 28, 2001						
First Named Inventor	Richard A. Mathies						
Group Art Unit	1743						
Examiner Name	P. Bex						
Attorney Docket No.	104464-0002						

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2. 1. Submission required under 37 CFR 1.114 Previously submitted Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on (Any unentered amendment(s) referred to above will be entered). ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on iii. Other b. x Enclosed Amendment/Reply i. Affidavit(s)/Declaration(s) Information Disclosure Statement (IDS) iii. iv. x Other Letter to Examiner Bex 2. Miscellaneous Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required) b. Other 3. Fees The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. x RCE fee required under 37 CFR 1.17(e) ii. Extension of time fee (37 CFR 1.136 and 1.17) iii. Other x Check in the amount of \$ 750.00 enclosed Payment by credit card (Form PTO-2038 enclosed)

I hereby certify that this correspondence is an envelope addressed to: Box DAC, Cor	Request for Continuing Examination s being deposited with the U.S. Mostal Service with sufficient postage as First Class Mail, in nmissioner for Paleous, Washington. DC 20231, on the date shown below.	=
Dated: January 23, 2003	Signature: (Michael D. Feiler)	

TURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Registration No. (Attorney/Agent)

39,410

January 23, 2003



# UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 0 1 2005

Commissioner for Patents United States Patent and Trademark Office PO Box 1450 Arllington, VA 22313-1450

Paper No. 30

JUN 1 6 2003

Nutter McClennen & Fish, LLP World Trade Center West 155 Seaport Boulevard Boston, MA 02210-2604

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JUN 1 3 2003

OFFICE OF PETITIONS

In re Application of

Richard A. Mathies et al. Application No. 09/199,655

Filed: November 25, 1998

Attorney Docket No. 104464-0002 PCE

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 29, 2003, to revive the above-identified application. The decision mailed March 24, 2003 is vacated.

# The petition is **DISMISSED**.

The application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner in reply to the final Office action mailed November 27, 2001, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on February 28, 2002.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

AUG 13, 2003-REQUESTERONSIDERATION

Docket Department	
Docketed	- - -
1 1 1 1 1 1	

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) were filed with the petition to revive on January 29, 2003. The request however, lacks the submission required by 37 CFR 1.114. A submission as used in 37 CFR 1.114 includes, but is not limited to, an information disclosure statement, an amendment to the written descriptions, claims, new arguments, or new evidence in support of patentability. See 37 CFR 1.114(c) and MPEP Section § 706.07(g).

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petitions

PO Box 1450

Arlington, VA 22313-1450

By facsimile:

(703) 308-6916

Attn: Office of Petitions

By hand:

Office of Petitions

2201 South Clark Place Crystal Plaza 4, Suite 3C23

Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

Latrice Bond

Paralegal Specialist

Office of Petitions

Office of the Deputy Commissioner

for Patent Examination Policy

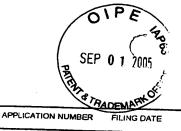


UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Vignia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/199,655	11/25/1998	RICHARD A. MATHIES	104464-0002 PCF 3941	
21125 7	590 06/09/2003	•	VV	16V
	CCLENNEN & FISH	LLP	EXAM	INER
155 SEAPORT	DE CENTER WEST BOULEVARD	EGETVES	BEX, PAT	RICIA K
BOSTON, MA	. 02210-2604		ART UNIT	PAPER NUMBER
		JUN 1 2 2003	1743	
		- <del></del>	DATE MAILED: 06/09/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Docl	ket Department
Reviewed	by
Docketed	
Retrieved	
	NMF





# Commissioner for Patents United States Patent and Trademark Office

Washington, D.C. 20231 www.uspto.gov

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

DATE MAILED:

# NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

Estimation (RCE)
The request for continued examination (RCE) under 37 CFR 1.114 filed on
☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
<ul> <li>2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).</li> </ul>
3. Continued examination under 37 CFR 1.114 does not apply to an application in which the Office has not mailed at least one of an Office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151.
4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the Office action or notice of allowance continues to run from the mailing date of that action or notice.
7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the Office action or notice of allowance continues to run from the mailing date of that action or notice.
A copy of this notice MUST be returned with any reply.

Direct the reply and any/questions about this notice to:  Examining Group	
(703) 30 <u>5 - 6568</u>	_

FORM PTO-2051 (Rev. 5/2000)

Atty Docket No.: 104464-0002CPA

Richard A. Mathies, et al. Inventor:

Filing Date: November 25, 1998 09/199,655-Conf. #3941 Application No.:

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

**Documents Filed:** 

Transmittal (1 page), Fee Transmittal, Check # 34373 \$420.00,
Two Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page) (2 K)
Renewed Petition Under 37 C.F.R. 1.137(b) ( Z pages)
Response and Amendment ( 5 pages)
Copies of Previously filed RCE with copy of check \$750.00, Petition to Revive Unitentionally
Abandoned Application with copy of check \$1,300.00, Letter to Examiner

Via: First Class Mail

MGV/bjw Sender's Initials:

1179617

Date: October 14, 2003



Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. **Application Number** 09/199,655-Conf. #3941 Filing Date TRANSMITTAL November 25, 1998 First Named Inventor **FORM** Richard A. Mathies Art Unit 1743 (to be used for all correspondence after initial filing) **Examiner Name** P. Bex Attorney Docket Number Total Number of Pages in This Submission 104464-0002RCE ENCLOSURES (Check all that apply) After Allowance Communication x | Fee Transmittal Form Drawing(s) to Group Appeal Communication to Board of x Fee Attached Licensing-related Papers Appeals and Interferences Renewed Petition Under Appeal Communication to Group x Amendment/Reply 37 CFR 1.137(b) (Appeal Notice, Brief, Reply Brief) Petition to Convert to a After Final Proprietary Information **Provisional Application** Power of Attorney, Revocation Affidavits/declaration(s) Status Letter Change of Correspondence Address X Other Enclosure(s) (please x 2-Month Extension of Time Request Terminal Disclaimer identify below): 1. Check \$420.00 **Express Abandonment Request** Request for Refund 2. Copies of Previously Filed RCE with copy of check, Petition to Information Disclosure Statement CD, Number of CD(s) Revive with copy of check, Letter to Examiner Certified Copy of Priority Document(s) Remarks Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm **NUTTER MCCLENNEN & FISH LLP** Michael 4. Verga Individual name Signature Date October 14, 2003

I hereby certify that this corresponde an envelope addressed to: Mail Stor shown below.	nce is being deposited Petitions, Commission	Transmittal d with the U.S. Postal Service wi oner for Patents, P.O. Box 1450,	ith sufficient postage as First Class Mail, in Alexandria, VA 22313-1450, on the date
Dated: October 14, 2003	Signature:	Mh	(Michael G. Verga)



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	for	FY	20	004	1

Effective 10/01/2003, Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

Complete if Known							
Application Number 09/199,655-Conf. #3941							
Filing Date	November 25, 1998	7					
First Named Inventor	Richard A. Mathies						
Examiner Name	P. Bex						
Art Unit	1743	1					
Attemosy Docket No.	104464-0002PCE						

TOTAL	AMOUN	IT OF	PAYME	NT (\$	) 420.00	Attorney Docket No. 104464-0002RCE						
ME	METHOD OF PAYMENT (check all that apply)						FEE CALCULATION (continued)					
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applic	ation					ŀ	-	1	•	-	g publication of SIR prior to	<u> </u>
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		FEE (	CALCUL	ATION		1251	110	2251	55		for reply within first month	
1. BASIC	FILING	FEE				1252	420	2252	210	Extension	for reply within second month	420.00
Large Entit	•	l Entity				1253	950	2253	475	Extension	for reply within third month	
Fee Fee		(\$)	<u>Fee</u>	<u>Description</u>	Fee Paid	1254	1,480	2254	740	Extension	for reply within fourth month	
1001 770		385	Utility fill	ng fee		1255	2,010	2255	1,005	Extension	for reply within fifth month	
1002 340	2002	170	Design f	iling fee		1401	330	2401	165	Notice of	Appeal :	
1003 530	2003	265	Plant fili	ng fee		1402	330	2402	165	Filing a bri	ef in support of an appeal	
1004 770	2004	385	Reissue	filing fee		1403	290	2403	145	Request fo	or oral hearing	
1005 160	2005	80	Provision	nal filling fee		1451	1,510	1451	1,510	Petition to	Institute a public use proceeding	
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			Claims	below	Fee Paid	1502	480	2502	240	Design iss	ue fee	
Total Claims		-20 <b>**</b> =		×	=	1503	640	2503	320	Plant issue	fee	
Independent Claims		-3** =		x .	=	1460	130	1460	130	Petitions to	the Commissioner	j
Multiple Dep	endent				=	1807	50	1807	50	Processing	r fee under 37 CFR 1.17(q)	
Large Entity	Small	Entity				1806	180	1806	180	Submission	n of Information Disclosure Strnt	
Fee Fee	Fee	Fee		Fee Descript	ion	8021	40	8021	40		each patent assignment per	$\neg \neg$
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SUBMITTED BY	(Complete	(if applicable))
Name (Print/Type) Michael Q. Verga Registration No. (Attorney/Agent) 39,410	Telephone	(617) 439-2000
Signature / / / / / / / / / / / / / / / / / / /	Date	October 14, 2003

1264235.1

Fee transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petitions, Commissioner for Petents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 14, 2003

Signature:

(Michael G. Verga)



Nutter, McClennen & Fish, LLP		Check No 34373
World Trade Center West 195 Seaport Boylevard Inventor	Date:	Citizens Bank
155 Seaport Boulevard	October 14, 2003	5-7017
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		9 420 00

PAY TO THE ORDER OF:

Commissioner of Patents and Trademarks



Commissioner o	r Patents and I	rademarks \	/endor ID: 0	01670			Check #:343	373
Invoice Num 10/14/03	<u>Disb Date</u> 10/14/2003	Invoice Date 10/14/2003 Client 0104464	Invo Matter 00002	ice Amount \$420.00 <u>Disb</u> EF	Amount Paid \$420.00  Description Extension Fee	<u>Discount Taken</u> \$0.00	Payment Amt \$420.00 Amount \$420.00	
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for FY 2004		Filing	Date			Novem	ber 25, 1998	
Effective 10/01/2003, Patent fees are subject to annual revision.		First	Name	d Inve	ntor	Richard	A. Mathies	
		Exam	iner N	ame		P. Bex		
Applicant claims small entity status. See 37 CFR 1.27		Art U	nit			1743		
TOTAL AMOUNT OF PAYMENT (\$) 420.00		Attorr	ey Do	cket N	o.	104464	-0002RCE	
METHOD OF PAYMENT (check all that apply)				FEI	CALCU	LATION (	continued)	
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Deposit Account:								
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The Director is authorized to: (check all that apply)					sheet.		•	
Charge fee(s) Indicated below X Credit any overpayments	1053	130	1053	130	Non-Engli	sh specificat	ion	
x Charge any additional fee(a) during the pendency of this application	1812	2,520	.1812	2,520	-	-	x parte reexamination	
Charge fee(s) indicated below, except for the filing fee	1804	920*	1804	920*	Examiner	action	of SIR prior to	<u> </u>
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FEE CALCULATION	1251	110	2251	55	Extension	for reply with	hin first month	
1. BASIC FILING FEE	1252	420	2252	210			hin second month	420.00
Large Entity Small Entity Fee Fee Fee Fee Pescription Fee Paid	1253 1254	950	2253 2254	475			hin third month	<u> </u>
Code (\$) Code (\$)	1255	1,480 2,010	2255	740			nin fourth month	<b> </b>
1001 770 2001 385 Utility filing fee 1002 340 2002 170 Design filing fee	1401	330	2401	165	Notice of A		nin fifth month	<b>——</b>
1003 530 2003 265 Plant filing fee	1402	330	2402	165			of an appeal	
1004 770 2004 385 Reissue filing fee	1403	290	2403	145	Request fo	or oral hearin	g	
1005 160 2005 80 Provisional filing fee	1451	1,510	1451			•	ublic use proceeding	
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	1503	640	2503	320	Plant Issue	fee		===
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	1807	50	1807	50	Processing	fee under 3	7 CFR 1.17(q)	
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**or number previously paid, if greater, For Reissues, see above				.,,				720.00
SUBMITTED BY						(Complete	(if applicable))	
Name (Print/Type) Michael G. Verga / R.	egistra: lttomey/	tion No. (Agent)	39,4	110		Telephone	(617) 439-2000	
Signature ////////////////////////////////////						Date	October 14, 200	3
264235.1								

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petitions, Commissioner or Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 14, 2003

Signature:

PTO/SB/22 (08-03)

Approved for use through 7/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwark Reducesh Act of 1995, no persons are required to respond to a collection of information unless if displays a valid OMB control number.

	<del></del>		- · · ·	In re Applica	tion of Richa	ard A. M	l lathies ar		-0002RCE
				Application i		941	File		nber 25, 199
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				Art Unit	1743	Ε	xaminer	<del>.</del>	P. Bex
identi	fied app	lication.		ions of 37 CFR 1.1					
The re	equeste	d extension	n and app	ropriate non-small-	entity fee are as	follows	(check til	me period	desired):
	ه ليا	ne month	(37 CFR	1.17(a)(1))				\$	
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PTO/SB/22 (08-03)
Approved for use through 7/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

t of 1995, no persons are required to respond to a collection of information unless if displays a valid OMB control number Docket No. (Optional) PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) 104464-0002RCE Richard A. Mathies and Peter C. Simpson In re Application of Filed Application Number 09/199,655-Conf. #3941 November 25, 1998 MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM **Art Unit** 1743 Examiner P. Bex This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application. The requested extension and appropriate non-small-entity fee are as follows (check time period desired): One month (37 CFR 1.17(a)(1)) Two months (37 CFR 1.17(a)(2)) 420.00 Three months (37 CFR 1.17(a)(3)) Four months (37 CFR 1.17(a)(4)) Five months (37 CFR 1.17(a)(5)) Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ A check in the amount of the fee is enclosed. Payment by credit card. Form PTO-2038 is attached. The Director has already been authorized to charge fees in this application to a Deposit Account. The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 141449 I have enclosed a duplicate copy of this sheet. I am the applicant/inventor. assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96). attorney or agent of record. Registration Number attorney or agent under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) 39,410 October 14, 2003 Date Signature (617) 439-2000 Michael G. Verga Telephone Number Typed or printed name NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below Total of forms are submitted. Two Month Request for Extension of Time Under 37 CFR 1.136(a) I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petitions, Commissioner or Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below Dated: October 14, 2003 Signature (Michael G. Verga)

1264240.1



Docket No.: 104464-0002

(PATENT)

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Richard A. Mathies, et al

Application No.: 09/199,655

Group Art Unit: 1743

Filed: November 25, 1998

Examiner: P. Bex

For: MICROPLATE SAMPLE AND REAGENT

LOADING SYSTEM

# RENEWED PETITION TO REVIVE

Office of Petitions
Office of the Deputy Commissioner for Patent Examination Policy
Washington, DC 20231

Dear Sir or Madam::

This is a Renewed Petition to Revive an abandoned application under 37 CFR 1.137(b).

A Petition to Revive an unintentionally abandoned application and request for continued examination (RCE) application was filed on January 23, 2003. The Petition was initially granted.

Applicants included with the above Petition a Letter to the Examiner requesting a substantive interview when the application was returned to the art unit, and prior to examination. The purpose of the interview was to confirm the undersigned representative's understanding of the state of the claims as they currently stood at the time of abandonment. As noted in that Letter, once such understanding was obtained, Applicants were to file a reply to the outstanding office action. However, the noted Petition was later dismissed due to a failure to include such a substantive reply.

Application No.: 09/199,655 Docket No.: 104464-0002CPA

The Office of Petitions informed the undersigned that the filing of this Renewed Petition would be readily granted if accompanied by a substantive response and the requisite petition for extension of time. Such papers are filed herewith along with copies of the initial petition.

Dated: October 14, 2003

Respectfully submitted,

By V Michael C. Verga

Registration No.: 39,410

NUTTER MCCLENNEN & FISH LLP

World Trade Center West 155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2871

**Attorneys for Applicants** 



# ATTNY DOCKET NO. 104464-00002

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Mathies et al.

Serial No.:

09/199,655

Filing Date:

November 25, 1998

For:

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Examiner:

P. Bex

Art Unit:

1743

# **CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to: M/S Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 14th day of October, 2003.

Michael G. Verga

#### RESPOONSE & AMENDMENT

Commissioner for Patents Washington, D.C. 20231

Dear Sir:

Applicant submits the following Response & Amendment in Reply to the Office Action dated November 27, 2001.

It is not believed that extension for time or fees for net addition of claims are required, beyond those which may otherwise be provided for in document accompanying this paper. However, if additional extensions of time are necessary to allow consideration of this paper, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefore, including fees for net addition of claims, are hereby authorized to be charged to our Deposit Account No. 14-1449.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 5 of this paper.

## AMENDMENTS TO THE CLAIMS

The following listing of claims will replace all prior versions, and listings, of claims in the captioned patent application.

# Listing of Claims

- 1-40 (Canceled)
- 41. (New) A liquid-handling system for transferring liquid between a first container and a second container, comprising:
- a plurality of capillary tubes each having a first end positioned in the first container and a second end positioned in or above a receiving reservoir of the second container;
- a pressure housing encasing the first container and configured to cause liquid contained in the first container to be transferred through the capillary tubes to the second container; and
- a liquid stop mechanism disposed adjacent to the second end of the capillary tubes that enables the capillary tubes to be completely filled prior to dispensing the liquid into the receiving reservoir.
- 42. (New) The system of claim 41, wherein said liquid stop mechanism comprises:
  a capillary cooler through which a portion of said capillary tubes extend to define a cold region of the capillary tube.
- 43. (New) The system of claim 42, wherein said capillary cooler comprises one or more of the group consisting of:
  - a Peltier cooling/heating system;
  - a resistive heating system;
  - a cryogenic fluid flow system; and
  - an air flow system.
- 44. (New) The system of claim 42, wherein said liquid stop mechanism comprises:
- a flow system comprising a flow chamber having chamber walls defining an flow cavity through which temperature-controlled cooling fluid or gas flows, wherein said cdold region of said capillary tubes are disposed in said flow cavity.

- 45. (New) The system of claim 44, wherein said cooling fluid or gas comprises at least one of the group consisting of air, water and liquid nitrogen.
- 46. (New) The system of claim 44, wherein said chamber walls are insulated.
- 47. (New) A method for transferring liquid between a first set of reservoirs and a second set of reservoirs via a plurality of capillary tubes each having a first end positioned in a corresponding one of said first set of reservoirs and a second end positioned in or above a corresponding one of said second set of reservoirs, the method comprising:

completely filling said capillary tubes with liquid contained in each said corresponding first set of reservoirs; and

subsequent to said complete filling of all said capillary tubes, dispensing the liquid contained in each of said capillary tubes into said corresponding one of said second set of reservoirs.

48. (New) The method of claim 47, wherein completely filling said capillary tubes comprises:

applying a differential pressure across said capillary tubes sufficient to cause the liquid contained in the corresponding first set of reservoirs to travel through said corresponding capillary tubes;

freezing the liquid in a region of each said capillary tube that is adjacent to said second end of said capillary tubes;

ceasing said application of said differential pressure;

melting said frozen liquid in said region of each said capillary tube; and reapplying said differential pressure to dispense into said corresponding set of second reservoirs said liquid contained in each said capillary tube.

49. (New) The method of claim 48, wherein freezing the liquid in the capillary tubes comprises:

cooling a region of each said capillary tube that is adjacent to said second end of said capillary tube to a temperature below the freezing point of the liquid in said capillary tubes.

50. (New) The method of claim 48, wherein said melting said frozen liquid contained in said region of said capillary tubes comprises:

elevating said temperature in said region of each of said capillary tubes to melt said frozen liquid.

51. (New) The method of claim 47, wherein completely filling said capillary tubes comprises:

filling the liquid contained in each of said first set of reservoirs through each of the capillary tubes;

introducing into each of the capillary tubes a bolus of a fluid having a melting point that is higher than that of the liquid contained in said corresponding first set of reservoirs; and solidifying said bolus in a region of each said capillary tube adjacent said second end of each said capillary tube.

52. (New) The method of claim 51, wherein filling said capillary tubes further comprises:

controlling the temperature of each said capillary tube to allow said boli to travel through said capillary tubes to be disposed at a specific location within said capillary tubes.

- 53. (New) The method of claim 52, wherein the higher melting point fluid comprises one or more of the group consisting of:
  - a polymer substance;
  - a wax substance; and
  - a immiscible inert fluid.
- 54. (New) The method of claim 51, wherein dispensing the liquid contained in each of said capillary tubes into said corresponding one of said second set of reservoirs comprises:

controlling the temperature of each said specified location of said capillary tubes to allow said boli to travel from said specific location within said capillary tube to separate from said capillary tube.

55. (New) The method of claim 51, wherein the temperature is controlled by at least one of the group consisting of a Peltier cooling/heating system, a resistive heating system, a cryogenic fluid flow system and an air flow system.

REMARKS

By the foregoing Amendments Applicants have canceled all pending claims thereby rendering the rejections thereof moot, and have added new claims 41-55. These amendments are believed not to introduce new matter and their entry is respectfully requested. This application is now in condition for allowance. A notice of such is respectfully requested. Should the examiner need or desire to discuss this amendment or any other aspect of this application, Applicants request that the examiner contact the undersigned at the number below.

Respectfully submitted,

Michael G. Verga Reg. No. 39,410 Tel. (617)439-2871

Attorney Docket No. 104464-00002

Date: October 14, 2003

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Group Art Unit: 1743

Examiner: P. Bex

Docket No.: 104464-0002

(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Richard A. Mathies, et al

Application No.: 09/199,655

Filed: November 25, 1998

For: MICROPLATE SAMPLE AND REAGENT

LOADING SYSTEM

## LETTER TO THE EXAMINER

**Examiner Bex** Commissioner for Patents Washington, DC 20231

Dear Examiner Bex:

This paper is being filed with a Petition to Revive an unintentionally abandoned application and request for continued examination (RCE) application. Also filed with this paper is a revocation of all previous powers of attorney and appointment of new practitioners, including the undersigned, to prosecute the captioned application on behalf of the assignee of record, Affymetrix, Inc.

Due to the complexities in the prosecution of the parent application, the undersigned requests that the examiner contact the undersigned prior to examining the RCE application to arrange a time at which a substantive interview on the merits can be conducted. The undersigned will then file a Preliminary Amendment for examination.

Dated: January 23, 2003

Respectfully submitted.

Michael G. Verga

Registration No.: 39,410

NUTTER MCCLENNEN & FISH LLP

World Trade Center West 155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2871

Attorneys for Applicant





Approved for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

(Michael D. Feiler)

TACt of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. **Docket Number (Optional)** PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED

**UNINTENTIONALLY UNDER 37 CFR 1.137(b)** 104464-0002 First named inventor: Richard A. Mathies Application No: 09/199,655-Conf. #3941 Art Unit: 1743 Filed: P. Bex February 28, 2001 Examiner: Title: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM Attention: Office of Petitions **Box DAC** Commissioner for Patents Washington, DC 20231 NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282. The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained. APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Statement that the entire delay was unintentional. 1. Petition fee Small entity - fee \$ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. X Other than small entity – fee \$ \_\_\_\_1,300.00 (37 CFR 1.17(m)) 2. Reply and/or fee A. The reply and/or fee to the above-noted Office action in the form Request for Continuing Examination (identify the type of reply): has been filed previously on is enclosed herewith. B. The issue fee of \$ has been paid previously on \_\_\_\_\_ . is enclosed herewith. Petition to Revive Application Unintentionally Abandoned I hereby certify that this correspondence is being deposited with the U.S.Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, 20231, on the date shown below. Dated: January 23, 2003 Signature;

Approved for use through 10/31/2002. OMB 0651-031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

3. Terminal disclaimer with disclaimer fee Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required. A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63). STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))]. January 23, 2003 Date Michael G. Verga Telephone Typed or printed name (617) 439-2871 Number: **NUTTER MCCLENNEN & FISH LLP** World Trade Center West 155 Seaport Boulevard Boston, Massachusetts 02210-2604 Address **Enclosures:** Fee Payment Reply **Terminal Disclaimer Form** Additional sheets containing statements establishing unintentional delay Other: 1174899.1

World Trade Center West 155 Seaport Boulevard Boston, MA 02210-2604 Date:

January 23, 200

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Commissioner of Patents and Trademarks

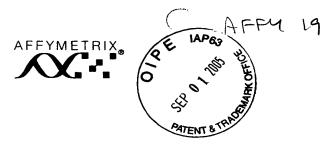
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	Disb Date 1/23/2003	<u>Client</u> 0104464	<u>Matter</u> 00002	<u>Disb</u> PF	<u>Description</u> Petition Fee	\$	<u>Amount</u> 61,300.00
		Totals:		\$1,300.00	\$1,300.00	\$0.00	\$1,300.00



Michael F.





July 16, 2003

## **VIA EXPRESS MAIL**

Mail Stop: EBC Customer Number Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450



Re: Customer Number 37403 Upload Spreadsheet

Dear Sir or Madam:

Enclosed please find a list of U.S. patents applications. The enclosed list is being provided in computer readable form as well as in paper form.

We hereby request that these applications be associated with Customer Number 37403.

We also request that those agents and/or attorneys associated with Customer Number 37403 be provided Powers of Attorney via this Customer Number, and that the address of Customer Number 37403 be entered for correspondence purposes in each of the patent applications provided on the enclosed list.

Should you have any questions, please do not hesitate to contact me at 408-731-5277 or by email at Leticia Block@Affymetrix.com.

Respectfully submitted,

Thicis R. Block

Leticia R. Block Reg. No. 50,167

**Enclosures** 

cc: Michael Verga / Nutter McClennen & Fish LLP

3380 Central Expressway Santa Clara, California 95051 Telephone 408 731 5000 Fax 408 481 0422 www.affymetrix.com Customer:

37403

Michael Verga / Nutter McClennen & Fish LLP World Trade Center West 155 Seaport Boulevard Boston U.S.A.

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PTO/SB/30 (10-01)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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## REQUEST **FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL** Address to:

**Commissioner for Patents Box RCE** Washington, DC 20231

P-0.10 12 12 12 12 12 12 12 12 12 12 12 12 12	
Application Number	09/199,655-Conf. #3941
Filing Date	February 28, 2001
First Named Inventor	Richard A. Mathies
Group Art Unit	1743
Examiner Name	P. Bex
Attorney Docket No.	104464-0002

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114
a. Previously submitted
i. Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on (Any unentered amendment(s) referred to above will be entered).
ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on
iii. Other
b. x Enclosed
iAmendment/Reply
ii. Affidavit(s)/Declaration(s)
iii. Information Disclosure Statement (IDS)
iv. x Other Letter to Examiner Bex
2. Miscellaneous
a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for
a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
b. Other
3. Fees The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.
a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to
Deposit Account No.
i. X RCE fee required under 37 CFR 1.17(e)
ii. Extension of time fee (37 CFR 1.136 and 1.17)
iii. Other
b. x Check in the amount of \$ 750.00 enclosed
c. Payment by credit card (Form PTO-2038 enclosed)
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED
Name (Print/Type) Mici ae G Verga Registration No. (Attorney/Agent) 39,410
Signature Date January 23, 2003
Request for Continuing Examination  I hereby certify that this correspondence is being deposited with the U.S. Fostal Service with sufficient postage as First Class Mail, in an envelope addressed to: Box DAC, Commissioner for Parents, Washington, DC 20231, on the date shown below.
Dated: January 23, 2003 Signature: (Michael D. Feiler)

Nutter, McClennen & Fish, LLP

World Trade Center West 155 Seaport Boulevard Boston, MA 02210-2604 Date:

January 23, 20

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commissioner of	Patents and	Trademarks Vo	endor ID: 0	01670			Check #:2850
Invoice Num 01-23-2003-6		Invoice Date 1/23/2003	<u>Invo</u>	ice Amount \$750.00	Amount Paid \$750.00	Discount Taken \$0.00	Payment Amt \$750.00
	<u>Disb Date</u> 1/23/2003	<u>Client</u> 0104464	<u>Matter</u> 00002	<u>Disb</u> FILFEE	<u>Description</u> Filing Fee		<u>Amount</u> \$750.00
		Totals:		\$750.00	\$750.00	\$0.00	\$750.00



Michael F.



# TRANSMISSION VERIFICATION REPORT

TIME : 02/03/2004 12:29 NAME : JAGTIANI FAX : 7035915907 TEL : 7035912664 SER.# : BROH2J624365

DATE,TIME FAX NO./NAME DURATION PAGE(S) RESULT MODE

02/03 12:20 7038725906 00:09:03 27 OK STANDARD ECM

Ofc of Petitions 2-3-03





# Facsimile Cover Page

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**FEBRUARY 3, 2004** 

To:

OFFICE OF PETITIONS, ATTN: LATRICE BLOCK

**FAX NUMBER:** 703-872-6906

PHONE NUMBER:

NUMBER OF PAGES (INCLUDING COVER):

26

**CONFIRMATION COPY TO FOLLOW:** 

No

MESSAGE:

Enclosed for your attention is a resubmission of a filing first mailed October 14, 2003.

Very truly yours, JAGTIANI + GUTTAG

Michael G. Verga

MGV:jmh

PLEASE CONTACT US IF THERE IS ANY PROBLEM WITH THE TRANSMISSION OF THIS DOCUMENT.

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#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

09/199,655

**Applicant** 

MATHIES, ET AL.

Filed

NOVEMBER 25, 1998

Title

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

Examiner

WARDEN, JILL ALICE

Atty Docket No.

AFFY-0019-8 (FORMERLY 104464-0002CPA)

Mail Stop Petitions

FAX NUMBER: 703-872-6906

P.O. Box 1450

Alexandria, VA 22313-1450

#### **CERTIFICATION OF FACSIMILE TRANSMISSION**

#### Sir:

I hereby certify that the following documents have been facsimile transmitted to the Office of Petitions, United States Patent and Trademark Office, facsimile number 703-872-6906 on February 3, 2004 in connection with the above-captioned application.

- $\boxtimes$ Letter To Office of Petitions
- $\boxtimes$ Previously submitted Request for Renewed Petition w/Request for Extension of time (mailed October 14, 2003)
- $\boxtimes$ Copy of letter mailed June 13, 2003 from Office of Petitions dismissing previously granted petition
- X Patent Fee Transmittal for FY 2004

Respettfully submitted,

Michael G. Verga

Registration Number 39,410

JAGTIANI + GUTTAG

Democracy Square Business Center 10363-A Democracy Lane Fairfax, Virginia 22030 (703) 591-2664 (telephone) (703) 591-5907 (fax)

February 3, 2004



# **Patent Fee Transmittal for FY 2004**

Applicant Claims Small Entity Status 37 C.F.R. 1.27

09/199,655 Application Number Filing Date November 25, 1998 Named Inventor MATHIES, et al. Examiner Name Warden, Jill Alice Art Unit 1743

Date

1254 1,480 2254 740 Extension for reply fourth month \$ - 1809 770 2809 385 Filing Submission After Final \$ - 1255 2,010 2255 1,005 Extension for reply fifth month \$ - 1051 130 2051 65 Surcharge - late filing fee or oath \$ - 1401 330 2401 165 Notice of Appeal \$ - 1052 50 2052 25 Surcharge - late provisional fee \$ - 1402 330 2402 165 Filing Brief in Support of Appeal \$ - 1053 130 1053 130 Non-English Specification \$ - 1403 290 2403 145 Request for Oral hearing \$ - 1807 50 1807 50 Processing Fee 37 CFR 1.17(q) \$ - 1460 130 1460 130 Petitions to Commissioner \$ - 1812 2,520 1812 2,520 Request for Ex Parte Reexamination \$ - 1451 1,510 1451 1,510 Petition - public use proceeding \$ - 1804 920 1804 920 Request Pub. of SIR prior \$ - 1452 110 2452 55 Petition to Revive - Unavoidable \$ - 1805 1,840 1805 1,840 Request Pub. of SIR after \$ - 1453 1,330 2453 665 Petition to Revive - Unintentional \$ - 1810 770 2810 385 Each Add. Invention Examined \$ - 1802 900 1802 900 Expedited Examination (Design) \$ - 1802 480 2502 240 Design Issue Fee \$ - 1551 910 2551 455 Maintenance Fees 3.5 years \$ - 1551 910 2551 455 Maintenance Fees 3.5 years	( '	OIAL	. AIVIO	UNIO	FPATIVIENI	\$420.00 			Δ	ttorne	y Doc	ket No.	7	AFFY-001	9-8				
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1005	1002	340	2002	170	Design filing fee		\$		Indepe	ndent		0 -3	s = [	0 x	1201	86	2201	43	\$ -
1005   160   2005   80   Provisional filling fee   S   D   Claims as Amended   S   D   Claims as Amended   S   D   Code   S   Code	1003	530	2003	265	Plant filing fee		\$		Multiple	e Deper	ndent				1203	290	2203	145	\$ -
1610   770   2610   365   19EA U.S.   S	1004	770	2004	385	Reissue filing fee		\$												
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Second   190   191   1	1609	730	2609	365	IPEA U.S.		\$				After	High	est	Present	Large	Entity	Small	Entity	
1612   100   2612   50   Claims Meet PCT Art 33-IPEA/US   S   Independent   D   D   T   D   T   1201   86   2201   43   S   143   S   1613   920   2613   460   Filing with EPO or JPO SR   S   First Presentation of Multiple Dependent   Less than 20, enter 20 **Less than 20, enter 20 **Less than 3, entr 3 ** Extra Claim Fee Subtotal   S   S   S   S   S   S   S   S   S	1610	770	2610	385	ISA U.S.		\$					-			Code	(\$)	Code	(\$)	Paid
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3. Additional Fees   Large Entity   Small Entity   Code   (\$)   Description   Paid   Code   (\$)   Code   (\$)   Code   (\$)   Description   Code   (\$)   Description   Code   (\$)   Code   (\$)   Description   Code   (\$)   Description   Code   (\$)   Description   Code   (\$)   Code   (\$)   Description   Code   Code   (\$)   Description   Code   Code   (\$)   Description   Code   Co					Basic Fe	ee Subtotal \$		_		Less thai	n 20, ente	r 20 ** Less			im Fe	e Sub	total	6	
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1401   330   2401   165   Notice of Appeal   \$   1052   50   2052   25   Surcharge - late provisional fee   \$   1402   330   2402   165   Filing Brief in Support of Appeal   \$   1053   130   1053   130   Non-English Specification   \$   1403   290   2403   145   Request for Oral hearing   \$   1807   50   1807   50   Processing Fee 37 CFR 1.17(q)   \$   1460   130   Petitions to Commissioner   \$   1812   2,520   1812   2,520   Request for Ex Parte Reexamination   \$   1451   1,510   Petition - public use proceeding   \$   1804   920   1804   920   Request Pub. of SIR prior   \$   1452   110   2452   55   Petition to Revive - Unavoidable   \$   1805   1,840   Request Pub. of SIR after   \$   1453   1,330   2453   665   Petition to Revive - Unintentional   \$   1810   770   2810   385   Each Add. Invention Examined   \$   1801   1,330   2501   665   Utility Issue Fee   \$   1802   900   1802   900   Expedited Examination (Design)   \$   1504   300   Publication Fee   \$   1553   3,220   2553   1,610   Maintenance Fees 7.5 years   \$   1804   100   1811   100   Certificate of Correction   \$   - 1000   1000   1000   1811   100   Certificate of Correction   \$   - 1000   1000   1000   1811   100   Certificate of Correction   \$   - 1000   1000   1000   1000   1811   100   Certificate of Correction   \$   - 1000   1000   1000   1000   1811   100   Certificate of Correction   \$   - 1000   1000   1000   1000   1811   100   1811   100   1811   100   1811   100   1811   100   1811   100   Certificate of Correction   \$   - 1000   1000	1254	1,480	2254	740	Extension for repl	y fourth month	\$		1809	770	2809	385	Filin	g Submissio	n After F	inal			\$ -
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**METHOD OF PAYMENT** Name Michael G. Verga Reg. No. 39,410 4 Deposit Account No. Firm Jagtiani + Guttag 10-0233-AFFY-0019-8 Address 10363-A Democracy Lane, Fairfax VA 22030  $\overline{\mathbf{A}}$ The Commissioner is hereby authorized to charge the amount Telephone 703.591.2664 Fax 703.591.5907 shown above and any additional fees which may be required under 37 CFR 1.16, 1.17, 1.18, 1.20 and 1.492 or credit any overpayment to the deposit account number listed above. February 3, 2004 Signature



#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

09/199,655

Applicant

: MATHIES, ET AL.

Filed

: NOVEMBER 25, 21998

Title

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

: 1743

Examiner

WARDEN, JILL ALICE

Atty Docket No.

AFFY-0019-8 (FORMERLY 104464-0002CPA)

Mail Stop Petitions

FAX NUMBER: 703-872-6906

P.O. Box 1450

Alexandria, VA 22313-1450

#### LETTER TO OFFICE OF PETITIONS

Sir:

On Monday, February 2, 2004, Ms. Joyce Hanline of this office spoke with Ms. Latrice Bond, Paralegal Specialist at the Office of Petitions. Inquiry was made as to whether the Office of Petitions had received the October 14, 2003 filing of a Renewed Petition to Revive, as well as a Two-Month Extension of Time. Ms. Bond indicated that there was no record of the October 14<sup>th</sup> filing and suggested that a copy be faxed to the Office of Petitions

Enclosed is a copy of the documents included in the October 14, 2003 filing that was not received by the Office of Petitions. Also enclosed is a copy of the June 13, 2003 letter from the Office of Petitions dismissing the previously granted petition for revival.

As the original check in the amount of \$420.00 included in the October 14<sup>th</sup> filing was also not received, the Commissioner is hereby authorized to charge \$420.00 to Deposit Account Number 10-0233 AFFY-0019-8. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 10-0233 pursuant to 37 CFR 1.25. Additionally, please charge any fees to Deposit Account 10-0233 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed. If extensions of time are necessary to allow consideration of this paper, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefore, including fees for net addition of claims, are hereby authorized to be charged to Deposit Account No. 10-0233.

Your prompt attention to this Renewed Petition to Revive is respectfully requested.

Respectfully submitted,

Registration No. 39,410

Michael G. Verga

JAGTIANI + GUTTAG
Democracy Square Business Center
10363-A Democracy Lane
Fairfax, Virginia 22030
(703) 591-2664

February 3, 2004

Atty Docket No.: 104464-0002CPA

Richard A. Mathies, et al.

tion No.: 09/199,655-Conf. #3941 Filing Date: Nove MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM Filing Date: November 25, 1998 Application No.:

Documents Filed:

Transmittal (1 page), Fee Transmittal, Check # 34373 \$420.00,
Two Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page) (2 x)
Renewed Petition Under 37 C.F.R. 1.137(b) ( z pages)
Response and Amendment ( 5 pages)
Copies of Previously filed RCE with copy of check \$750.00, Petition to Revive Unitentionally
Abandoned Application with copy of check \$1,300.00, Letter to Examiner

Via: First Class Mail

Sender's Initials: MGV/bjw

1179617

Date: October 14, 2003





NECESSARY IF MAILED IN THE UNITED STATES

# BUSINESS REPLY MAIL

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PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

		•	Application Number		09/199,655-Conf. #3941		
T	RANSMITT.	AL	Filing Date		November 25, 1998		
	FORM		First Named Inventor		Richard A. Mathies		
(to be use	ed for all correspondence afte	rinitial filing)	Art Unit	_	1743		
		<b>3,</b>	Examiner Name		P. Bex		
Total Number	r of Pages in This Submis	sion 1	Attorney Docket Numb	er	104464-0002RCE		
	EN	ICLOSURES	(Check all that app	oly)			
X Fee Transn	nittal Form	Drawing(s)			After Allowance Communication to Group		
X Fee A	Attached	Licensing-rel	ated Papers		Appeal Communication to Board of Appeals and Interferences		
X Amendmer	nt/Reply	X Renewed Pe 37 CFR 1.13			Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)		
After	Final	Petition to Co Provisional A			Proprietary Information		
Affida	avits/declaration(s)	Power of Attorney, Revocation Change of Correspondence Address			Status Letter		
x 2-Month Ex	dension of Time Request	Terminal Disclaimer			Other Enclosure(s) (please identify below):		
Express Ab	pandonment Request	Request for Refund			. Check \$420.00 . Copies of Previously Filed RCE		
Information	Disclosure Statement	CD, Number of CD(s)			rith copy of check, Petition to levive with copy of check,		
Certified Co	opy of Priority s)			L	etter to Examiner		
	o Missing Parts/ Application	Remarks					
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	SIGNATU	JRE OF APPLICA	NT, ATTORNEY, OR	AC	BENT		
Firm or Individual name	NUTTER MCCLENN Michael <b>(</b> Verga	IEN & FISH LLP	•				
Signature	MW~						
Date	October 14, 2003						
I hereby certify the an envelope add shown below. Dated: October	ressed to: Mail Stop Petitio	eing deposited with th	smittal b U.S. Postal Service with Patents, P.O. Box 1450,	h sul Alex	ficient postage as First Class Mail, in andria, VA 22313-1450, on the date (Michael G. Verga)		



Use in lieu of PTO/SB/17 (08-03) (Form updated to reflect FY 2004 fees effective 10/1/03)

EEE TO A NOMBETAL					Complete if Known			
FEE TRANSMITTAL	•	Appli	cation	Numb	per 09/199,655-Conf. #3941			
for FY 2004		Filing	Date		November 25, 1998			
Effective 10/01/2003, Patent fees are subject to annual revision.		First I	Name	Inver	ntor Richard A. Mathies			
Linecave Two II 2003, Patent lees are subject to announterision.		Exam	iner N	ame	P. Bex			
Applicant claims small entity status. See 37 CFR 1.27		Art Ur	nit		1743			
TOTAL AMOUNT OF PAYMENT (\$) 420.00		Attom	ey Do	ket No	o. 104464-0002RCE			
METHOD OF PAYMENT (check all that apply)				FEE	CALCULATION (continued)			
X Check Credit Money Other None	3. A	DDITIO	ONAL	FEES				
Deposit Account:	Large	Entity	Small	Entity				
Account 141449	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description Fee Paid			
Deposit	1051	130	2051	65				
Account Nutter McClennen & Fish LLP	l	i			Surcharge – late filing fee or oath Surcharge – late provisional filing fee or cover			
The Director is authorized to: (check all that apply)	1052	50	2052	25	sheet.			
Charge fee(s) indicated below X Credit any overpayments	1053	130	1053	130	Non-English specification			
X Charge any additional fee(s) during the pendency of this application	1812	2,520	1812	2,520	For filing a request for ex parte reexamination			
Charge fee(s) indicated below, except for the filling fee	1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action			
to the above-identified deposit account.	1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action			
FEE CALCULATION	1251	110	2251	55	Extension for reply within first month			
1. BASIC FILING FEE	1252	420	2252	210	Extension for reply within second month 420.00			
Large Entity Small Entity Fee Fee Fee Fee Fee Description Fee Paid	1253	950	2253	475	Extension for reply within third month			
Code (\$) Code (\$)	1254 1255	1,480	2254	740	Extension for reply within fourth month			
1001 770 2001 385 Utility filing fee 1002 340 2002 170 Design filing fee	1401	2,010 330	2255 2401		Extension for reply within fifth month  Notice of Appeal			
1003 530 2003 265 Plant filing fee	1402	330	2402	165	Filing a brief in support of an appeal			
1004 770 2004 385 Reissue filing fee	1403	290	2403		Request for oral hearing			
1005 160 2005 80 Provisional filing fee	1451 1452	1,510 110	1451 2452	1,510 55	Petition to institute a public use proceeding Petition to revive – unavoidable			
SUBTOTAL (1) (\$) 0.00	1453	1,330	2453		Petition to revive - unintentional			
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	1501	1,330	2501	665	Utility issue fee (or reissue)			
Extra Fee from Claims below Fee Paid	1502	480	2502	240	Design issue fee			
Total Claims -20** = x = Independent	1503	640	2503		Plant issue fee			
Claims	1460	130	1460		Petitions to the Commissioner			
Multiple Dependent	1807	50	1807	50	Processing fee under 37 CFR 1.17(q)			
Large Entity   Small Entity   Fee Fee Fee Fee Fee Fee Fee Fee Fee Fee	1806	180	1806		Submission of Information Disclosure Strnt Recording each patent assignment per			
Code (\$) Code (\$)  1202 18 2202 9 Claims in excess of 20	8021	40	8021	40	property (times number of properties) Filing a submission after final rejection			
1202 16 2202 9 Claims in excess of 20 1201 86 2201 43 Independent claims in excess of 3	1809	770	2809	385	(37 CFR 1.129(a))			
1203 290 2203 145 Multiple dependent claim, if not paid	1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))			
1204 86 2204 43 ** Reissue independent claims over original patent	1801	770	2801		Request for Continued Examination (RCE) Request for expedited examination			
1205 18 2205 9 ** Reissue claims in excess of 20	1802	900	1802	900	of a design application			
and over original patent		fee (spe						
SUBTOTAL (2) (\$) 0.00  **or number previously paid, if greater, For Reissues, see above	*Redu	iced by E	Basic Fi	ling Fee	e Paid SUBTOTAL (3) (\$) 420.00			
SUBMITTED BY	<del></del>				(Complete (if applicable))			
Name (Print/Type) Michael Q. Verga / Registration No. 39 410								
1 11 11 11 11 11 11 11 11 11 11 11 11 1								
Signature / / ////////////////////////////////					Date October 14, 2003			
1264235.1								
	Fee t	ansmit	tal					
I hereby certify that this correspondence is being deposited	withth	e IJ.S.	Postal	Servic	ce with sufficient postage as First Class Mail, in			
an envelope addressed to: Mail Stop Petitions, Commission shown below.		ratents	s, P.O.	BOX 14	450, Alexandria, VA 22313-1450, on the date			
Dated: October 14, 2003 Signature:	<u> </u>	$\mathcal{W}$	<u> </u>		(Michael G. Verga)			



PAY TO THE ORDER OF

Commissioner of Patents and Trademarks



	of Patents and T		endor ID: 00	<del></del>			Check #:343
<u>Invoice Nun</u> 10/14/03	<u>0</u>	<u>Invoice Date</u> 10/14/2003	Invoid	e Amount \$420.00	Amount Paid \$420.00	<u>Discount Taken</u> \$0.00	Payment Amt \$420.00
	<u>Disb Date</u> 10/14/2003	<u>Client</u> 0104464	<u>Matter</u> 00002	<u>Dişb</u> EF	<u>Description</u> Extension Fee		<u>Amount</u> \$420.00
		Totals:		\$420.00	\$420.00	\$0.00	\$420.00



Use in lieu of PTO/SB/17 (08-03) (Form updated to reflect FY 2004 fees effective 10/1/03)

FEE TRANSMITTAL					Comp	lete if F	Known	
FEE IRANSWIIIIAL	•	Appl	ication	Numl	ber	09/199,	655-Conf. #3941	
for FY 2004		Filing	Date			Novem	ber 25, 1998	
Effective 10/01/2003, Patent fees are subject to annual revision.		First	Name	d Inve	entor	Richard	A. Mathies	
		Exan	niner N	lame		P. Bex		
Applicant claims small entity status. See 37 CFR 1.27		Art U	nit			1743		
TOTAL AMOUNT OF PAYMENT (\$) 420.00		Atton	ney Do	cket N	lo.	104464	-0002RCE	
METHOD OF PAYMENT (check all that apply)				FEI	E CALCUL	ATION (	continued)	
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The Director is authorized to: (check all that apply)	1052	50	2052	25	sheet.	· late provis	ional filing fee or cover	ĺ
Charge fee(s) indicated below X Credit any overpayments	1053	130	1053	130	Non-English	specificati	on	
Charge any additional fee(s) during the pendency of this application	1812	2,520	.1812	2,520	For filing a re	quest for ex	parte reexamination	
Charge fee(s) indicated below, except for the filling fee	1804	920*	1804	920*	Requesting Examiner ac		of SIR prior to	
to the above-identified deposit account.	1805	1,840*	1805	1,840*	Requesting Examiner ac	publication	of SIR after	
FEE CALCULATION	1251	110	2251	55			in first month	
1. BASIC FILING FEE	1252	420	2252	210			in second month	420.00
Large Entity Small Entity  Fee Fee Fee Fee Fee Fee Description Fee Paid	1253 1254	950	2253	475			in third month	
Code (\$) Code (\$) 1001 770 2001 385 Utility filing fee	1255	1,480 2,010	2254	740			in fourth month	
1002 340 2002 170 Design filing fee	1401	330	2401		Extension for Notice of Ap		in lifth month	
1003 530 2003 265 Plant filing fee	1402	330	2402	165	Filing a brief		of an appeal	
1004 770 2004 385 Reissue filing fee	1403	290	2403	145	Request for	-		
1005 160 2005 80 Provisional filing fee	1451 1452	1,510	1451 2452	1,510 55	Petition to In: Petition to re		blic use proceeding	
SUBTOTAL (1) (\$) 0.00		1,330	2453		Petition to re			<del></del>
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	1501	1,330	2501	665	Utility issue f	ee (or reiss	sue)	
Extra Fee from Claims below Fee Paid	1502	480	2502	240	Design issue	fee		
Total Claims 200* = X   Independent	1503	640	2503		Plant Issue fi			
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Code (\$) Code (\$) 1202 18 2202 9 Claims in excess of 20		- i		40	property (time	es number	of properties) final rejection	
1201 86 2201 43 Independent claims in excess of 3	1809	770	2809	363	(37 ČFR 1.12	(a))		
1203 290 2203 145 Multiple dependent claim, if not paid	1810	770	2810		For each add examined (37			
1204 86 2204 43 ** Reissue independent claims over original patent	1801	770	2801		Request for 6 Request for 6		Examination (RCE)	
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SUBMITTED BY						(Complete	(if applicable))	
	Registra Attorney	tion No.	39.	410			· · · · · · · · · · · · · · · · · · ·	
Signature / MM / M	- anomiej	/Ageily				Date	October 14, 200	3
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I hereby certify that this correspondence is being deposited wan envelope addressed to: Mail Stop Petitions, Commissione shown below.  Dated: October 14, 2003 Signature:	rith the	nsmitt U.S. F itents,	Postal S	Service Box 14	50, Alexand	Iria, VA 2	ge as First Class Ma 2313-1450, on the d G. Verga)	il, in late



PTO/SB/22 (08-03)
Approved for use through 7/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

,	TIME UNDER	R 37 CFR 1.136(a)	Do	cket No. (Optional) 104464-0002RCE
	In re Applicat	ion of Richard A	A. Mathie	s and Peter C. Simpson
	Application N	umber		Filed
	09/19	9,655-Conf. #3941		November 25, 1998
·	For: MICR	OPLATE SAMPLE	AND RE	AGENT LOADING SYSTE
	Art Unit	1743	Examir	ner P. Bex
This is a request under the provisions identified application.	of 37 CFR 1.13	66(a) to extend the p	eriod for	filing a reply in the above
The requested extension and appropri	iate non-small-e	entity fee are as follo	ws (chec	k time period desired):
One month (37 CFR 1.17)	(a)(1))			\$
X Two months (37 CFR 1.1)	7(a)(2))			\$ 420.00
Three months (37 CFR 1.	17(a)(3))			\$
Four months (37 CFR 1.1	7(a)(4))			\$
Five months (37 CFR 1.17	7(a)(5))			\$
Applicant claims small entity sta	atus. See 37 C	FR 1.27. Therefore	the fee	amount shown above is
reduced by one-half, and the re				amount shown above is
X A check in the amount of the fe	e is enclosed.			
Payment by credit card. Form	PTO-2038 is at	tached.		
The Director has already been	authorized to cl	narge fees in this ap	plication	to a Deposit Account
The Director is hereby authorized				•
overpayment, to Deposit Accou		141449	·	a, or orcan any
I have enclosed a duplicate cop	y of this sheet.			
I am the applicant/inventor.				
assignee of record	of the entire inter	terest. See 37 CFR (b) is enclosed. (Fo	3.71.	SB/06)
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attorney or agent u  Registration numbe		` '	39,4	10
October 14, 2003	-		VIAIA	
Date		<del></del>	T VV	Signature
(617) 439-2000		<u></u>	_\_Mict	nael G. Verga
Telephone Number			Typed	or printed name
NOTE: Signatures of all the inventors or assigne than one signature is required, see below	ees of record of the e	ntire interest or their represe	entative(s) ar	re required. Submit multiple forms if
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PTO/SB/22 (08-03)
Approved for use through 7/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE pond to a collection of information unless if displays a valid OMB control number.

In re Application of Richard A. Mathies and Peter C. Simpson  Application Number 09/199,655-Conf. #3941 Filed November 25, 1998  For: MICROPLATE SAMPLE AND REAGENT LOADING SYSTE  Art Unit 1743 Examiner P. Bex  This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.  The requested extension and appropriate non-small-entity fee are as follows (check time period desired):  One month (37 CFR 1.17(a)(1))  X Two months (37 CFR 1.17(a)(2))  Three months (37 CFR 1.17(a)(3))  Four months (37 CFR 1.17(a)(4))  Five months (37 CFR 1.17(a)(5))	
For: MICROPLATE SAMPLE AND REAGENT LOADING SYSTE  Art Unit 1743 Examiner P. Bex  This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.  The requested extension and appropriate non-small-entity fee are as follows (check time period desired):  One month (37 CFR 1.17(a)(1))  X Two months (37 CFR 1.17(a)(2))  Three months (37 CFR 1.17(a)(3))  Four months (37 CFR 1.17(a)(4))	_
Art Unit 1743 Examiner P. Bex  This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.  The requested extension and appropriate non-small-entity fee are as follows (check time period desired):  One month (37 CFR 1.17(a)(1))  X Two months (37 CFR 1.17(a)(2))  Three months (37 CFR 1.17(a)(3))  Four months (37 CFR 1.17(a)(4))	3
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.  The requested extension and appropriate non-small-entity fee are as follows (check time period desired):  One month (37 CFR 1.17(a)(1))  X Two months (37 CFR 1.17(a)(2))  Three months (37 CFR 1.17(a)(3))  Four months (37 CFR 1.17(a)(4))	M
identified application.  The requested extension and appropriate non-small-entity fee are as follows (check time period desired):  One month (37 CFR 1.17(a)(1))  X Two months (37 CFR 1.17(a)(2))  Three months (37 CFR 1.17(a)(3))  Four months (37 CFR 1.17(a)(4))  \$ \$ 420.00	
One month (37 CFR 1.17(a)(1))  X Two months (37 CFR 1.17(a)(2))  Three months (37 CFR 1.17(a)(3))  Four months (37 CFR 1.17(a)(4))  \$ \$ 420.00	
X   Two months (37 CFR 1.17(a)(2))	
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Four months (37 CFR 1.17(a)(4))	_
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Five months (37 CFR 1 17(a)(5))	_
1 140 months (5) Of 1.11(a)(5))	
Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$	
X A check in the amount of the fee is enclosed.	
Payment by credit card. Form PTO-2038 is attached.	
The Director has already been authorized to charge fees in this application to a Deposit Account.	
The Director is hereby authorized to charge any fees which may be required, or credit any	
overpayment, to Deposit Account Number141449  I have enclosed a duplicate copy of this sheet.	
I am the applicant/inventor.	
assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).	
attorney or agent of record. Registration Number	
attorney or agent under 37 CFR 1.34(a).  Registration number if acting under 37 CFR 1.34(a) 39,410	
October 14, 2003	_
Date ' Signature  (617) 439-2000 Michael G. Verga	
(617) 439-2000 Michael G. Verga Telephone Number Typed or printed name	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms it than one signature is required, see below	more
Total of 1 forms are submitted.	
Two Month Downst for Extension of Time Under 27 CED 4 420(a)	
Two Month Request for Extension of Time Under 37 CFR 1.136(a)  I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Ma an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 450, Alexandria, VA 22313-1450, on the control of the patents of Patents of	

1264240.1



Docket No.: 104464-0002

(PATENT)

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Richard A. Mathies, et al

Application No.: 09/199,655

Group Art Unit: 1743

Filed: November 25, 1998

Examiner: P. Bex

For: MICROPLATE SAMPLE AND REAGENT

LOADING SYSTEM

## **RENEWED PETITION TO REVIVE**

Office of Petitions
Office of the Deputy Commissioner for Patent Examination Policy
Washington, DC 20231

Dear Sir or Madam::

This is a Renewed Petition to Revive an abandoned application under 37 CFR 1.137(b).

A Petition to Revive an unintentionally abandoned application and request for continued examination (RCE) application was filed on January 23, 2003. The Petition was initially granted.

Applicants included with the above Petition a Letter to the Examiner requesting a substantive interview when the application was returned to the art unit, and prior to examination. The purpose of the interview was to confirm the undersigned representative's understanding of the state of the claims as they currently stood at the time of abandonment. As noted in that Letter, once such understanding was obtained, Applicants were to file a reply to the outstanding office action. However, the noted Petition was later dismissed due to a failure to include such a substantive reply.

Application No.: 09/199,655 Docket No.: 104464-0002CPA

The Office of Petitions informed the undersigned that the filing of this Renewed Petition would be readily granted if accompanied by a substantive response and the requisite petition for extension of time. Such papers are filed herewith along with copies of the initial petition.

Dated: October 14, 2003

Respectfully submitted,

By V Michael G. Verga

Registration No.: 39,410

NUTTER MCCLENNEN & FISH LLP

World Trade Center West 155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2871

**Attorneys for Applicants** 



#### ATTNY DOCKET NO. 104464-00002

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Mathies et al.

Serial No.:

09/199,655

Filing Date:

November 25, 1998

For:

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Examiner:

P. Bex

Art Unit:

1743

#### CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to: M/S Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 14th day of October, 2003.

Michael G. Verga

## RESPOONSE & AMENDMENT

Commissioner for Patents Washington, D.C. 20231

Dear Sir:

Applicant submits the following Response & Amendment in Reply to the Office Action dated November 27, 2001.

It is not believed that extension for time or fees for net addition of claims are required, beyond those which may otherwise be provided for in document accompanying this paper. However, if additional extensions of time are necessary to allow consideration of this paper, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefore, including fees for net addition of claims, are hereby authorized to be charged to our Deposit Account No. 14-1449.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 5 of this paper.

Application No. 09/199. Attny Dkt: 104464-00002

#### AMENDMENTS TO THE CLAIMS

The following listing of claims will replace all prior versions, and listings, of claims in the captioned patent application.

## Listing of Claims

- 1-40 (Canceled)
- 41. (New) A liquid-handling system for transferring liquid between a first container and a second container, comprising:
- a plurality of capillary tubes each having a first end positioned in the first container and a second end positioned in or above a receiving reservoir of the second container;
- a pressure housing encasing the first container and configured to cause liquid contained in the first container to be transferred through the capillary tubes to the second container; and
- a liquid stop mechanism disposed adjacent to the second end of the capillary tubes that enables the capillary tubes to be completely filled prior to dispensing the liquid into the receiving reservoir.
- 42. (New) The system of claim 41, wherein said liquid stop mechanism comprises: a capillary cooler through which a portion of said capillary tubes extend to define a cold region of the capillary tube.
- 43. (New) The system of claim 42, wherein said capillary cooler comprises one or more of the group consisting of:
  - a Peltier cooling/heating system;
  - a resistive heating system;
  - a cryogenic fluid flow system; and
  - an air flow system.
- 44. (New) The system of claim 42, wherein said liquid stop mechanism comprises:
- a flow system comprising a flow chamber having chamber walls defining an flow cavity through which temperature-controlled cooling fluid or gas flows, wherein said cdold region of said capillary tubes are disposed in said flow cavity.

- 45. (New) The system of claim 44, wherein said cooling fluid or gas comprises at least one of the group consisting of air, water and liquid nitrogen.
- 46. (New) The system of claim 44, wherein said chamber walls are insulated.
- 47. (New) A method for transferring liquid between a first set of reservoirs and a second set of reservoirs via a plurality of capillary tubes each having a first end positioned in a corresponding one of said first set of reservoirs and a second end positioned in or above a corresponding one of said second set of reservoirs, the method comprising:

completely filling said capillary tubes with liquid contained in each said corresponding first set of reservoirs; and

subsequent to said complete filling of all said capillary tubes, dispensing the liquid contained in each of said capillary tubes into said corresponding one of said second set of reservoirs.

48. (New) The method of claim 47, wherein completely filling said capillary tubes comprises:

applying a differential pressure across said capillary tubes sufficient to cause the liquid contained in the corresponding first set of reservoirs to travel through said corresponding capillary tubes;

freezing the liquid in a region of each said capillary tube that is adjacent to said second end of said capillary tubes;

ceasing said application of said differential pressure;

melting said frozen liquid in said region of each said capillary tube; and reapplying said differential pressure to dispense into said corresponding set of second reservoirs said liquid contained in each said capillary tube.

49. (New) The method of claim 48, wherein freezing the liquid in the capillary tubes comprises:

cooling a region of each said capillary tube that is adjacent to said second end of said capillary tube to a temperature below the freezing point of the liquid in said capillary tubes.

50. (New) The method of claim 48, wherein said melting said frozen liquid contained in said region of said capillary tubes comprises:

elevating said temperature in said region of each of said capillary tubes to melt said frozen liquid.

51. (New) The method of claim 47, wherein completely filling said capillary tubes comprises:

filling the liquid contained in each of said first set of reservoirs through each of the capillary tubes;

introducing into each of the capillary tubes a bolus of a fluid having a melting point that is higher than that of the liquid contained in said corresponding first set of reservoirs; and solidifying said bolus in a region of each said capillary tube adjacent said second end of each said capillary tube.

52. (New) The method of claim 51, wherein filling said capillary tubes further comprises:

controlling the temperature of each said capillary tube to allow said boli to travel through said capillary tubes to be disposed at a specific location within said capillary tubes.

- 53. (New) The method of claim 52, wherein the higher melting point fluid comprises one or more of the group consisting of:
  - a polymer substance;
  - a wax substance; and
  - a immiscible inert fluid.
- 54. (New) The method of claim 51, wherein dispensing the liquid contained in each of said capillary tubes into said corresponding one of said second set of reservoirs comprises:

controlling the temperature of each said specified location of said capillary tubes to allow said boli to travel from said specific location within said capillary tube to separate from said capillary tube.

55. (New) The method of claim 51, wherein the temperature is controlled by at least one of the group consisting of a Peltier cooling/heating system, a resistive heating system, a cryogenic fluid flow system and an air flow system.

Reply to Office Action dated November 27, 2001

### REMARKS

By the foregoing Amendments Applicants have canceled all pending claims thereby rendering the rejections thereof moot, and have added new claims 41-55. These amendments are believed not to introduce new matter and their entry is respectfully requested. This application is now in condition for allowance. A notice of such is respectfully requested. Should the examiner need or desire to discuss this amendment or any other aspect of this application, Applicants request that the examiner contact the undersigned at the number below.

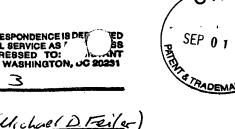
Respectfully submitted,

Michael G. Verga Reg. No. 39,410 Tel. (617)439-2871

Attorney Docket No. 104464-00002

Date: October 14, 2003

IMEREBY CERTIFY THAT THIS CORRESPONDENCE IS DE WITH THE UNITED STATES POSTAL SERVICE AS 7 SS MAIL IN AN ENVELOPE ADDRESSED TO: WITH COMMISSIONER FOR PATENTS, WASHINGTON, JC 20231





Docket No.: 104464-0002

(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Richard A. Mathies, et al

Application No.: 09/199,655

Filed: November 25, 1998

For: MICROPLATE SAMPLE AND REAGENT

LOADING SYSTEM

Examiner: P. Bex

Group Art Unit: 1743

## LETTER TO THE EXAMINER

Examiner Bex Commissioner for Patents Washington, DC 20231

Dear Examiner Bex:

This paper is being filed with a Petition to Revive an unintentionally abandoned application and request for continued examination (RCE) application. Also filed with this paper is a revocation of all previous powers of attorney and appointment of new practitioners, including the undersigned, to prosecute the captioned application on behalf of the assignee of record, Affymetrix, Inc.

Due to the complexities in the prosecution of the parent application, the undersigned requests that the examiner contact the undersigned prior to examining the RCE application to arrange a time at which a substantive interview on the merits can be conducted. The undersigned will then file a Preliminary Amendment for examination.

Dated: January 23, 2003

Respectfully submitted.

Michael G. Verga

Registration No.: 39,410

NUTTER' MCCLENNEN & FISH LLP

World Trade Center West 155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2871

Attorneys for Applicant





Approved for use through 10/31/2002, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

(Michael D. Feiler)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED Docket Number (Optional) **UNINTENTIONALLY UNDER 37 CFR 1.137(b)** 104464-0002 First named inventor: Richard A. Mathies Application No: 09/199,655-Conf. #3941 Art Unit: 1743 Filed: February 28, 2001 Examiner: P. Bex Title: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM Attention: Office of Petitions Box DAC Commissioner for Patents Washington, DC 20231 NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282. The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained. APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION NOTE: A grantable petition requires the following items: (1) Petition fee; (2)Reply and/or issue fee; (3)Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Statement that the entire delay was unintentional. 1. Petition fee Small entity - fee \$ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. Other than small entity – fee \$ \_\_\_1,300.00 (37 CFR 1.17(m)) 2. Reply and/or fee A. The reply and/or fee to the above-noted Office action in the form Request for Continuing Examination (identify the type of reply): has been filed previously on \_\_\_\_\_ is enclosed herewith. B. The issue fee of \$ has been paid previously on \_\_\_\_\_. is enclosed herewith. Petition to Revive Application Unintentionally Abandoned I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, C. 2021, on the date shown below. Dated: January 23, 2003

PTO/SB/64 (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee
X Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity or \$ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).
4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].
January 23, 2003 Date Signature
Telephone Michael G. Verga Number: (617) 439-2871 Typed or printed name
NUTTER MCCLENNEN & FISH LLP World Trade Center West 155 Seaport Boulevard Boston, Massachusetts 02210-2604 Address
Enclosures: X Fee Payment X Reply
Terminal Disclaimer Form
Additional sheets containing statements establishing unintentional delay
Other:
·
1174899.1

World Trade Center West 155 Seaport Boulevard Boston, MA 02210-2604

Date:

January 23

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5-7017 2110

Pay: One thousand three hundred and 00/100\*\*\*\*\*\*

\$ 1,300.00

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Commissioner of Patents and Trademarks

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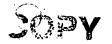
<u>"00028503" :211070175: 1131766897</u>"

Commissioner of Patents and Trademarks Vendor ID: 001670 Check #:28503 Invoice Num Invoice Date **Invoice Amount** Amount Paid **Discount Taken** Payment Amt 01-23-2003-5 1/23/2003 \$1,300.00 \$1,300.00 \$0.00 \$1,300.00 Disb Date Client Matter <u>Disb</u> Description **Amount** 1/23/2003 0104464 00002 PF Petition Fee \$1,300.00 Totals: \$1,300.00 \$1,300.00 \$0.00 \$1,300.00

SEP 0 1 700°E

Michael F.





PTO/SB/30 (10-01)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE and to a collection of information unless it displays a valid OMB control purchase. Under the Paperwork Reduction Act of 1995, no persons are required to res

## **REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

Address to: Commissioner for Patents Box RCE Washington, DC 20231

pond to a conection or informatio	n uniess it displays a valid Olvib dontrol numbel			
Application Number	09/199,655-Conf. #3941			
Filing Date	February 28, 2001			
First Named Inventor	Richard A. Mathies			
Group Art Unit	1743			
Examiner Name	P. Bex			
Attorney Docket No.	104464-0002			

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June

8, 1995, or to	
1. Submi	ission required under 37 CFR 1.114
a. 🔝	Previously submitted
i.	Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on (Any unentered amendment(s) referred to above will be entered).
ii.	Consider the arguments in the Appeal Brief or Reply Brief previously filed on
iii.	Other
b. x	Enclosed
i.	Amendment/Reply
ii.	Affidavit(s)/Declaration(s)
iii.	Information Disclosure Statement (IDS)
iv.	X Other Letter to Examiner Bex
2. Miscel	llaneous
a	Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for
a b	Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  Other
	a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
b	a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  Other
b	a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  Other  The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No.
b	a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  Other  The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to
b	a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  Other  The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No.
b	a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  Other  The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No.  X RCE fee required under 37 CFR 1.17(e)
b	a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  Other  The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No.  X RCE fee required under 37 CFR 1.17(e)  Extension of time fee (37 CFR 1.136 and 1.17)
b	a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  Other  The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No.  X RCE fee required under 37 CFR 1.17(e)  Extension of time fee (37 CFR 1.136 and 1.17)  Other
b	a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  Other  The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No.  x RCE fee required under 37 CFR 1.17(e)  Extension of time fee (37 CFR 1.136 and 1.17)  Other  Check in the amount of \$ 750.00 enclosed  Payment by credit card (Form PTO-2038 enclosed)
b	a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  Other  The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No.  x RCE fee required under 37 CFR 1.17(e)  Extension of time fee (37 CFR 1.136 and 1.17)  Other  Check in the amount of \$ 750.00 enclosed  Payment by credit card (Form PTO-2038 enclosed)  SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED
b	a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  Other  The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No.  x RCE fee required under 37 CFR 1.17(e)  Extension of time fee (37 CFR 1.136 and 1.17)  Other  Check in the amount of \$ 750.00 enclosed  Payment by credit card (Form PTO-2038 enclosed)  SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED
b	a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  Other  The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No.  x RCE fee required under 37 CFR 1.17(e)  Extension of time fee (37 CFR 1.136 and 1.17)  Other  Check in the amount of \$ 750.00 enclosed  Payment by credit card (Form PTO-2038 enclosed)  SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED  Type) Michael G. Verga Registration No. (Attorney/Agent) 39,410

I hereby certify that this correspo an envelope addressed to: Box I	Request for Continuing Examination  Indence is being deposited with the U.S. Fostal Service with sufficient postage as First Class Mail, in DAC, Commissioner for Palepis, Washington, 20 2023, on the date shown below.
Dated: January 23, 2003	Signature: (Michael D. Feiler)

World Trade Center West 155 Seaport Boulevard Boston, MA 02210-2604 Date:

January 23,

COPY

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Pay: Seven hundred fifty and 00/100\*\*\*\*

\$ 750.00

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Commissioner of Patents and Trademarks

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ommissioner o	f Patents and	Trademarks Ve	endor ID: (	001670			Check #:28504
Invoice Num 01-23-2003-	•	Invoice Date 1/23/2003	Invo	sice Amount \$750.00	Amount Paid \$750.00	Discount Taken \$0.00	Payment Amt \$750.00
	Disb Date 1/23/2003	<u>Client</u> 0104464	<u>Matter</u> 00002	<u>Disb</u> FILFEE	<u>Description</u> Filing Fee		<u>Amount</u> \$750.00
		Totals:		\$750.00	\$750.00	\$0.00	\$750.00



Michael F.



## UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents United States Patent and Trademark Office PO Box 1450 Arllington, VA 22313-1450

Paper No. 30

JUN 1 6 2003

Nutter McClennen & Fish, LLP World Trade Center West 155 Seaport Boulevard Boston, MA 02210-2604

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OFFICE OF PETITIONS

In re Application of

Richard A. Mathies et al.

Application No. 09/199,655

Filed: November 25, 1998

Attorney Docket No. 104464-0002

**ON PETITION** 

This is a decision on the petition under 37 CFR 1.137(b), filed January 29, 2003, to revive the above-identified application. The decision mailed March 24, 2003 is vacated.

### The petition is **DISMISSED**.

The application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner in reply to the final Office action mailed November 27, 2001, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on February 28, 2002.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

AUG 13, 2003-REQUESTA UNSIDERATION

Docket Department	
Reviewed by by Retrieved by NIME	

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) were filed with the petition to revive on January 29, 2003. The request however, lacks the submission required by 37 CFR 1.114. A submission as used in 37 CFR 1.114 includes, but is not limited to, an information disclosure statement, an amendment to the written descriptions, claims, new arguments, or new evidence in support of patentability. See 37 CFR 1.114(c) and MPEP Section § 706.07(g).

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petitions

PO Box 1450

Arlington, VA 22313-1450

By facsimile:

(703) 308-6916

Attn: Office of Petitions

By hand:

Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23

Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

I otrice Rond

Paralegal Specialist Office of Petitions

Office of the Deputy Commissioner

for Patent Examination Policy

PATENT /

JAGTIANI + GUTTAG - Democracy Square Business Center, 10363-A Democracy Lane. Fairfax, VA 22030

Serial No.: 09/199,655

Filed: November 25, 1998

Atty. Docket No.: AFFY-0019-8

FOI: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM Applicants: MATHIES, et al.

DELIVER TO: 🗵 MAIL ROOM 🔲 ART UNIT:\_

Special Instructions:

The PTO stamp hereon acknowledges receipt of:

Status Inquiry
Patent Fee Transmittal Form and Authorization to Charge Deposit Account  $\boxtimes$ 



# SEP 0 1 7005 TRADEMANTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

09/199,655

Applicant

MATHIES, ET AL.

Filed

NOVEMBER 25, 1998

Title

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

1743

Examiner

WARDEN, JILL ALICE

Atty Docket No.

AFFY-0019-8

Mail Stop Petitions P.O. Box 1450

Alexandria, VA 22313-1450

#### **LETTER**

Sir:

The below-identified communication(s) is (are) submitted in the above-captioned application or proceeding:

 $\times$ 

Status Inquiry

 $|\mathbf{x}|$ 

Patent Fee Transmittal Form and Authorization to Charge Deposit Account

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The Commissioner is hereby authorized to charge payment of any fees associated with this communication, including fees under 37 C.F.R. §§ 1.16 and 1.17 or credit any overpayment to **Deposit Account Number 10-0233-**AFFY-0019-8.

Respectfully submitted,

Michael G. Verga

Registration Number 39,410

JAGTIANI + GUTTAG Democracy Square Business Center 10363-ADemocracy Lane Fairfax, Virginia 22030 (703) 591-2664

May 6, 2004



# Patent Fee Teamsmittal for FY 2004

Applicant Claims Small Entity Status 37 C.F.R. 1.27

TOTAL AMOUNT OF PAYMENT

\$0.00

Application Number 09/199,655

Filing Date November 25, 1998

Named Inventor MATHIES, et al.

Examiner Name Warden, Jill Alice

Art Unit 1743

AFFY-0019-8

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1002	340	2002	170	Design filing fee	\$ -	Indepe	ndent		0	-3 =	0 x	1201	86	2201	43	\$ -
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Attorney Docket No.

4 Deposit Account No. Firm Jagtiani + Guttag 10-0233-AFFY-0019-8 Address 10363-A Democracy Lane, Fairfax VA 22030 4 The Commissioner is hereby authorized to charge the amount Telephone 703.591.2664 703.591.5907 shown above and any additional fees which may be required under 37 CFR 1.16, 1.17, 1.18, 1.20 and 1.492 or credit any overpayment to the deposit account number listed above. May 6, 2004 Signature Date Revised 11-2003 Include dulipcate copy if paying by deposit account



Application No.

09/199,655

Applicant

MATHIES, ET AL.

Filed

November 25, 1998

Title

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

1743

Examiner

WARDEN, JILL ALICE

Atty Docket No.

AFFY-0019-8

Mail Stop Petitions P.O. Box 1450

Alexandria, VA 22313-1450

#### **STATUS INQUIRY**

Sir:

On October 14, 2003, a Renewed Petition to Revive, as well as a Two-Month Extension of Time was filed with the Office of Petitions. On February 2, 2004, Ms. Latrice Bond, Paralegal Specialist at the Office of Petitions was contacted and indicated that there was no record that the Renewed Petition to Revive was received. On February 3, 2004, the Renewed Petition to Revive was faxed to the Office of Petitions. Applicant has not received any further communications from the U.S. Patent and Trademark Office with respect to the present application.

Therefore, Applicant hereby requests to be informed of the status of the above-identified application.

Respectfully submitted,

Michael G. Verga

Registration Number 39,410

JAGTIANI + GUTTAG

Democracy Square Business Center 10363-A Democracy Lane Fairfax, Virginia 22030 (703) 591-2664

May 6, 2004

The state of the

TRANSMISSION VERIFICATION REPORT

TIME : 06/30/2004 10:27 NAME : JAGTIANI FAX : 7035915907 TEL : 7035912664 SER.# : BROH2J624365

13)

DATE, TIME FAX NO./NAME DURATION PAGE(S) RESULT MODE

06/30 10:23 7033054257 00:04:31 37 OK STANDARD ECM



#### Facsimile Cover Page

DATE:

**JUNE 30, 2004** 

To:

**OFFICE OF PETITIONS** 

ATTN: Mr. JOHN J. GILLON, JR., SENIOR ATTORNEY

FAX NUMBER:

703-305-4257 (COURTESY FAX)

PHONE NUMBER: 703-305-9199

NUMBER OF PAGES (INCLUDING COVER): 37

**CONFIRMATION COPY TO FOLLOW:** 

No

MESSAGE:

Dear Mr. Gillon:

Pursuant to our conversation this morning, we provide you with the following documents:

- Our facsimile of February 3, 2004 to Latrice Bond providing a Letter to the Office of Petitions summarizing events to that date, along with a copy of the previously submitted Request for Renewed Petition filed on October 14, 2003, which was not entered into the record of this application.
- A copy of the Status Inquiry mailed May 6, 2004 in response to which was mailed to us the same Notice of Abandonment mailed October 29, 2002 therefore indicating that the above facsimile of the Renewed Petition was also not entered into the record.

We thank you for your assistance in this matter and will contact you shortly to confirm receipt of this document.

Respectfully submitted,

JAGTIANI + GUTTAG

Michael G. Verga

MGV:rwl

PLEASE CONTACT US IF THERE IS ANY PROBLEM WITH THE TRANSMISSION OF THIS DOCUMENT.

Confidential notice: The information contained in this facsimile message is intended for the use of the addressee(s) and contains information that is confidential and/or privileged. If you are not the intended recipient or the person responsible for delivering it to the intended recipient, any disclosure, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy this facsimile.



# United States P. Int and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/199,655	11/25/1998	RICHARD A. MATHIES	104464-0002	3941
	590 06/23/2004		EXAM	INER
ATTENTION JAGTIANI + G	: MICHAEL VERO		WARDEN, J	TLL ALICE
10363-A DEM	OCRACY LANE		ART UNIT	PAPER NUMBER
FAIRFAX, VA	22030	JUN 2 4 2004	1743	
		MEGETTE	DATE MAILED: 06/23/2004	1
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Please find below and/or attached an Office communication concerning this application or proceeding.

2 * 4 2 2 2 1 1 1	Trica	" \ /		
		Application No.	Applicant(s)	
	lation of About January	09/199,655	MATHIES ET A	L.
^	lotice of Abandonment	Examiner	Art Unit	
		Jill A. Warden	1743	
The	MAILING DATE of this communication	n appears on the cover sheet with the c	<u> </u>	ldress
This application	is abandoned in view of:			
(a) 🗌 A reply	was received on (with a Certificat	Office letter mailed on <u>27 November 2001</u> e of Mailing or Transmission dated ne of month(s)) which expired on _	), which is after the	expiration of the
(b) ⊠ A propo final rej		003, but it does not constitute a proper rep	oly under 37 CFR 1.	113 (a) to the
applicat		ection consists only of: (1) a timely filed an y filed Notice of Appeal (with appeal fee); h 37 CFR 1.114).		
	was received on but it does not co action. See 37 CFR 1.85(a) and 1.111.	onstitute a proper reply, or a bona fide atte (See explanation in box 7 below).	mpt at a proper repl	y, to the non-
(d) No reply	has been received.			
	failure to timely pay the required issue featiling date of the Notice of Allowance (PT	ee and publication fee, if applicable, within OL-85).	the statutory period	of three months
).	ue fee and publication fee, if applicable which is after the expiration of the statute (PTOL-85).	, was received on (with a Certificatory period for payment of the issue fee (ar	ate of Mailing or Trand publication fee) s	ansmission dated et in the Notice of
Į.	mitted fee of \$ is insufficient. A ba	lance of \$ is due.		
1		The publication fee, if required by 37	CFR 1.18(d), is \$	
(c) The issu	e fee and publication fee, if applicable, h	as not been received.		
3. Applicant's fa		required by, and within the three-month p	period set in, the No	tice of
(a) Propose		(with a Certificate of Mailing or Tran	smission dated	), which is
(b) No corre	cted drawings have been received.			
4. The letter of the applicant		by the attorney or agent of record, the assi	ignee of the entire in	nterest, or all of
	express abandonment which is signed l n the filing of a continuing application.	by an attorney or agent (acting in a repres	entative capacity un	der 37 CFR
	by the Board of Patent Appeals and Int on has expired and there are no allowed	erference rendered on and becaus claims.	e the period for see	king court review
7.  The reason(s	s) below:			
request to h Examination	have any amendment after final ente n was improper and the application i	nation, but did not file an amendment of ered in the application. As such, the R is abandoned. Please find attached, the ision on Petition vacating the Decision	lequest for Continuine last 2 papers in of March 24, 200 Jill A. Warden SPE	ued nailed to 03.
				tewarden
minimize any negativ	ve effects on patent term.	ithdraw the holding of abandonment under 37 (	CFR 1.181, should be	promptly filed to
J.S. Patent and Trademark OPTOL-1432 (Rev. 04-0		tice of Abandonment	Part of P	aper No. 062204

## UNITED S. TES PATENT AND TRADEMARK OFFICE

Commissioner for Patents United States Patent and Trademark Office PO Box 1450 Arllington, VA 22313-1450

Paper No. 30

Nutter McClennen & Fish, LLP World Trade Center West 155 Seaport Boulevard Boston, MA 02210-2604

COPY MAILED

JUN 1 3 2003

OFFICE OF PETITIONS

In re Application of Richard A. Mathies et al. Application No. 09/199,655 Filed: November 25, 1998 Attorney Docket No. 104464-0002

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 29, 2003, to revive the above-identified application. The decision mailed March 24, 2003 is vacated.

The petition is **DISMISSED**.

The application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner in reply to the final Office action mailed November 27, 2001, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on February 28, 2002.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) were filed with the petition to revive on January 29, 2003. The request however, lacks the submission required by 37 CFR 1.114. A submission as used in 37 CFR 1.114 includes, but is not limited to, an information disclosure statement, an amendment to the written descriptions, claims, new arguments, or new evidence in support of patentability. See 37 CFR 1.114(c) and MPEP Section § 706.07(g).

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petitions

PO Box 1450

Arlington, VA 22313-1450

By facsimile:

(703) 308-6916

Attn: Office of Petitions

By hand:

Office of Petitions

. 2201 South Clark Place Crystal Plaza 4, Suite 3C23

Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

Paralegal Specialist

Office of Petitions

Office of the Deputy Commissioner

for Patent Examination Policy



# United States

#### ommissioner for Patents It and Trademark Office

Washington, D.C. 20231 www.uspto.gov

APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

DATE MAILED:

# NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on
☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
3. Continued examination under 37 CFR 1.114 does not apply to an application in which the Office has not mailed at least one of an Office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151.
4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the Office action or notice of allowance continues to run from the mailing date of that action or notice.
7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the Office action or notice of allowance continues to run from the mailing date of that action or notice.
A compared to the compared to

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to:

(703) 30 5 - (65 (8))

FORM PTO-2051 (Rev. 5/2000)



#### Facsimile Cover Page

DATE:

**FEBRUARY 3, 2004** 

To:

OFFICE OF PETITIONS, ATTN: LATRICE BLOCK

FAX NUMBER.

703-872-6906

PHONE NUMBER:

NUMBER OF PAGES (INCLUDING COVER):

26

CONFIRMATION COPY TO FOLLOW:

No

MESSAGE:

Enclosed for your attention is a resubmission of a filing first mailed October 14, 2003.

Very truly yours,

JAGTIANI + GUTTAG

Michael G. Verga

MGV:jmh

PLEASE CONTACT US IF THERE IS ANY PROBLEM WITH THE TRANSMISSION OF THIS DOCUMENT.

Confidential notice: The information contained in this facsimile message is intended for the use of the addressee(s) and contains information that is confidential and/or privileged. If you are not the intended recipient or the person responsible for delivering it to the intended recipient, any disclosure, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and destroy this facsimile.

TRANSMISSION VERIFICATION REPORT

TIME : 02/03/2004 12:29 NAME : JAGTIANI FAX : 7035915907 TEL : 7035912664 SER.# : BROH2J624365

DATE, TIME FAX NO. / NAME DURATION PAGE(S) RESULT MODE

02/03 12:20 7038725905 00:09:03 27 DK STANDARD ECM

Ofc of Petitions 2-3-03

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

09/199,655

**Applicant** 

MATHIES, ET AL. NOVEMBER 25, 1998

Filed Title

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

1743

Examiner

WARDEN, JILL ALICE

Atty Docket No.

AFFY-0019-8 (FORMERLY 104464-0002CPA)

Mail Stop Petitions

FAX NUMBER: 703-872-6906

P.O. Box 1450

Alexandria, VA 22313-1450

#### **CERTIFICATION OF FACSIMILE TRANSMISSION**

Sir:

I hereby certify that the following documents have been facsimile transmitted to the Office of Petitions, United States Patent and Trademark Office, facsimile number 703-872-6906 on February 3, 2004 in connection with the above-captioned application.

- Letter To Office of Petitions
- Previously submitted Request for Renewed Petition w/Request for Extension of time (mailed October 14, 2003)
- Copy of letter mailed June 13, 2003 from Office of Petitions dismissing previously granted petition
- Patent Fee Transmittal for FY 2004

Respectfully submitted,

Michael G. Verga

Registration Number 39,410

JAGTIANI + GUTTAG

Democracy Square Business Center 10363-A Democracy Lane Fairfax, Virginia 22030 (703) 591-2664 (telephone) (703) 591-5907 (fax)

February 3, 2004

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#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

09/199,655

Applicant

MATHIES, ET AL.

Filed

NOVEMBER 25, 21998

Title

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

1743

Examiner

WARDEN, JILL ALICE

Atty Docket No.

AFFY-0019-8 (FORMERLY 104464-0002CPA)

Mail Stop Petitions

FAX NUMBER: 703-872-6906

P.O. Box 1450

Alexandria, VA 22313-1450

#### LETTER TO OFFICE OF PETITIONS

Sir:

On Monday, February 2, 2004, Ms. Joyce Hanline of this office spoke with Ms. Latrice Bond, Paralegal Specialist at the Office of Petitions. Inquiry was made as to whether the Office of Petitions had received the October 14, 2003 filing of a Renewed Petition to Revive, as well as a Two-Month Extension of Time. Ms. Bond indicated that there was no record of the October 14<sup>th</sup> filing and suggested that a copy be faxed to the Office of Petitions

Enclosed is a copy of the documents included in the October 14, 2003 filing that was not received by the Office of Petitions. Also enclosed is a copy of the June 13, 2003 letter from the Office of Petitions dismissing the previously granted petition for revival.

As the original check in the amount of \$420.00 included in the October 14<sup>th</sup> filing was also not received, the Commissioner is hereby authorized to charge \$420.00 to Deposit Account Number 10-0233 AFFY-0019-8. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 10-0233 pursuant to 37 CFR 1.25. Additionally, please charge any fees to Deposit Account 10-0233 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed. If extensions of time are necessary to allow consideration of this paper, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefore, including fees for net addition of claims, are hereby authorized to be charged to Deposit Account No. 10-0233.

Your prompt attention to this Renewed Petition to Revive is respectfully requested.

Respectfully submitted,

Michael G. Verga

Registration No. 39,410

February 3, 2004

JAGTIANI + GUTTAG

Democracy Square Business Center
10363-A Democracy Lane
Fairfax, Virginia 22030
(703) 591-2664

Atty Docket No.: 104464-0002CPA

Richard A. Mathies, et al. Inventor:

Filing Date: November 25, 1998 09/199,655-Conf. #3941 Application No.:

Title: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Documents Filed:

Transmittal (1 page), Fee Transmittal, Check # 34373 \$420.00,
Two Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page) (2 x)
Renewed Petition Under 37 C.F.R. 1.137(b) ( Z pages)
Response and Amendment ( S pages) Copies of Previously filed RCE with copy of check \$750.00, Petition to Revive Unitentionally Abandoned Application with copy of check \$1,300.00, Letter to Examiner

Via: First Class Mail

Sender's Initials: MGV/bjw

1179617

Date: October 14, 2003



NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

# BUSINESS REPLY MAIL

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NUTTER MCCLENNEN & FISH LLP PO BOX 1400 BOSTON MA 02205-8960



(Michael G. Verga)

PTO/SE/21 (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 09/199,655-Conf. #3941 Filing Date TRANSMITTAL November 25, 1998 First Named Inventor **FORM** Richard A. Mathies Art Unit 1743 (to be used for all correspondence after initial filing) Examiner Name P. Bex **Attorney Docket Number** Total Number of Pages in This Submission 1 104464-0002RCE ENCLOSURES (Check all that apply) After Allowance Communication x Fee Transmittal Form Drawing(s) Appeal Communication to Board of x Fee Attached Licensing-related Papers Appeals and Interferences Renewed Petition Under Appeal Communication to Group x Amendment/Reply 37 CFR 1.137(b) (Appeal Notice, Brief, Reply Brief) Petition to Convert to a After Final Proprietary Information Provisional Application Power of Attorney, Revocation Affidavits/declaration(s) Status Letter Change of Correspondence Address X Other Enclosure(s) (please x 2-Month Extension of Time Request Terminal Disclaimer identify below): 1. Check \$420.00 **Express Abandonment Request** Request for Refund 2. Copies of Previously Filed RCE with copy of check, Petition to Information Disclosure Statement CD, Number of CD(s) Revive with copy of check, Letter to Examiner Certified Copy of Priority Document(s) Remarks Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm **NUTTER MCCLENNEN & FISH LLP** Michael 4. Verga Individual name Signature Date October 14, 2003 Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date

shown helow

Dated: October 14, 2003

Signature:

**(**)

January 25 COP

5-7017 2110

Pay: One thousand three hundred and 00/100\*\*\*\*\*

2110

1,300.00

PAY TO THE ORDER OF:

Commissioner of Patents and Trademarks

) I

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Commissioner of	f Patents and 1	Trademarks V	endor ID: 00	01670	·		Check #:28503
<u>Invoice Num</u> 01-23-2003-		Invoice Date 1/23/2003		ce Amount \$1,300.00	<u>Amount Paid</u> \$1,300.00	Discount Taken \$0.00	Payment Amt \$1,300.00
	Disb Date	Client	<u>Matter</u>	<u>Disb</u>	<u>Description</u>		Amount
	1/23/2003	0104464	00002	PF	Petition Fee		\$1,300.00
		Totals:		\$1,300.00	\$1,300.00	\$0.00	\$1,300.00

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FEE TRANSMITTAL	- [/	Applic	ation	Numt			555-Conf. #3941				
for FY 2004	F	Filing	Date			Novemb	er 25, 1998				
I	F	First N	Vamed	Inve	ntor	Richard	A. Mathies				
Effective 10/01/2003, Patent fees are subject to annual revision.	[E	Examiner Name				P. Bex					
Applicant claims small entity status. See 37 CFR 1.27		Art Unit				1743					
TOTAL AMOUNT OF PAYMENT (\$) 420.00		Attorney Docket No. 104464-0002RCE									
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lame (Print/Type) Michael Q. Verga	(Attorney/A		39,4	410			(617) 439-2000				
Date October 14, 2003											
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hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in											
ne revelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date hown below.											
Dated: October 14, 2003 Signature:	MILL	A				_ (Michael	G. Verga)				

PTO/SB/22 (08-03)
Approved for use through 7/31/2006. OMB 0651-003 1

In re Application of Richard A. Mathies and Peter C. Simpson Application Number 09/199,655-Conf. #3941 Filed November 25, 1998  For. MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM Art Unit 1743 Examiner P. Bex  alis is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above entified application.  re requested extension and appropriate non-small-entity fee are as follows (check time period desired):  One month (37 CFR 1.17(a)(1))  Two months (37 CFR 1.17(a)(2))  Three months (37 CFR 1.17(a)(3))  Four months (37 CFR 1.17(a)(3))  Five months (37 CFR 1.17(a)(5))  Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$  A check in the amount of the fee is enclosed.  Payment by credit card. Form PTO-2038 is attached.  The Director has already been authorized to charge fees in this application to a Deposit Account.  The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number  I have enclosed a duplicate copy of this sheet.  I am the  applicant/inventor.  assignee of record of the entire interest. See 37 CFR 3.71.  Statement under 37 CFR 1.37(b) is enclosed. (Form PTO/SB/96).  attorney or agent under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).  Registration number if acting under 37 CFR 1.34(a)  Registration number if acting under 37 CFR 1.34(a)  Registration number of the entire interest. See 37 CFR 3.71.  Signature  Michael G. Verga  Theolore Number  Tiethone Number  Typed or printed content multiple forms if nor PTO/SB signature  Michael G. Verga  Typed or printed content multiple forms if nor PTO/SB signature  Michael G. Verga  Typed or printed content multiple forms if nor PTO/SB signature and the inventors or assignees of record of the entire between or their presentatively of a required. Submit multiple forms if nor PTO/SB signature  Michael G. Verga  Typed or printed care.	Under the Paperwork Reduction Act of 1995, no PETITION FOR EXTENSION OF			Doc	ket No. (Optional)	)					
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Approved for use through 7/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE pond to a collection of information unless if displays a valid OMB control number.

PETITION FOR EXTENSION OF TIE	ME UNDER 37 CFR 1.136		Docket No. (	
lı	n re Application of Richa	d A. Math	nies and Pete	er C. Simpson
A	Application Number 09/199,655-Conf. #39	41	Filed No	vember 25, 1998
F	For: MICROPLATE SAMPI	LE AND F	REAGENT LO	DADING SYSTEM
A	Art Unit 1743	Exa	miner	P. Bex
This is a request under the provisions of identified application.	37 CFR 1.136(a) to extend th	e period t	for filing a rep	oly in the above
The requested extension and appropriate	e non-small-entity fee are as t	iollows (ct	neck time per	riod desired):
One month (37 CFR 1.17(a)	(1))		\$	
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Three months (37 CFR 1.17)	(a)(3))		\$	
Four months (37 CFR 1.17(a	a)(4))		\$	
Five months (37 CFR 1.17(a	)(5))		_\$	
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The Director has already been aut	thorized to charge fees in this	applicati	on to a Depo	sit Account.
The Director is hereby authorized overpayment, to Deposit Account		y be requ	ired, or credi	t any
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October 14, 2003		MM	~	
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(617) 439-2000 Telephone Number			Michael G. Ve	
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I hereby certify that this correspondence is being an envelope addressed to: Mail Stop Petitions, shown below.		rviçe with s	sufficient postag	2313-1450, on the date

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FEE TRANSMITTAL		Complete if Known Application Number 09/199,655-Conf. #394								
	•			Numb	er	<u>`</u>	55-Conf. #3941			
for FY 2004			Date				er 25, 1998			
Effective 10/01/2003, Patent fees are subject to annual revision.			Named Named Named		ntor	Richard A. Mathies				
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TOTAL AMOUNT OF PAYMENT (\$) 420.00		Attorney Docket No. 104464-0002RCE								
METHOD OF PAYMENT (check all that apply)	<u> </u>			FEE	CALCUL	ATION (	ontinued)			
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Name (Print/Type) Michael G. Verga		ation No	39.	410			(617) 439-2000			
(Attorney/Agent) ISS,410 Perephone (G17) 435-2000  Pare October 14, 2003										
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Fee transmittal hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in										
an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.										
Dated: October 14, 2003 Signature:	PW	W				_ (Michael	G. Verga)			
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Docket No.: 104464-0002

(PATENT)

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Richard A. Mathies, et al

Application No.: 09/199,655

Group Art Unit: 1743

Filed: November 25, 1998

Examiner: P. Bex

For: MICROPLATE SAMPLE AND REAGENT

LOADING SYSTEM

#### RENEWED PETITION TO REVIVE

Office of Petitions
Office of the Deputy Commissioner for Patent Examination Policy
Washington, DC 20231

Dear Sir or Madam::

This is a Renewed Petition to Revive an abandoned application under 37 CFR 1.137(b).

A Petition to Revive an unintentionally abandoned application and request for continued examination (RCE) application was filed on January 23, 2003. The Petition was initially granted.

Applicants included with the above Petition a Letter to the Examiner requesting a substantive interview when the application was returned to the art unit, and prior to examination. The purpose of the interview was to confirm the undersigned representative's understanding of the state of the claims as they currently stood at the time of abandonment. As noted in that Letter, once such understanding was obtained, Applicants were to file a reply to the outstanding office action. However, the noted Petition was later dismissed due to a failure to include such a substantive reply.

<sup>4</sup> Application No.: 09/199,655

Docket No.: 104464-0002CPA

The Office of Petitions informed the undersigned that the filing of this Renewed Petition would be readily granted if accompanied by a substantive response and the requisite petition for extension of time. Such papers are filed herewith along with copies of the initial petition.

Dated: October 14, 2003

Respectfully submitted,

By V Michael C. Verga

Registration No.: 39,410

NUTTER MCCLENNEN & FISH LLP

World Trade Center West 155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2871

**Attorneys for Applicants** 

ATTNY DOCKET NO. 104464-00002

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Mathies et al.

Serial No.:

09/199,655

Filing Date:

November 25, 1998

For:

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Examiner:

P. Bex

Art Unit:

1743

#### CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to: M/S Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 14th day of October, 2003.

Michael G. Verga

### RESPOONSE & AMENDMENT

Commissioner for Patents Washington, D.C. 20231

Dear Sir:

Applicant submits the following Response & Amendment in Reply to the Office Action dated November 27, 2001.

It is not believed that extension for time or fees for net addition of claims are required, beyond those which may otherwise be provided for in document accompanying this paper. However, if additional extensions of time are necessary to allow consideration of this paper, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefore, including fees for net addition of claims, are hereby authorized to be charged to our Deposit Account No. 14-1449.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 5 of this paper.

#### AMENDMENTS TO THE CLAIMS

The following listing of claims will replace all prior versions, and listings, of claims in the captioned patent application.

#### Listing of Claims

#### 1-40 (Canceled)

- 41. (New) A liquid-handling system for transferring liquid between a first container and a second container, comprising:
- a plurality of capillary tubes each having a first end positioned in the first container and a second end positioned in or above a receiving reservoir of the second container;
- a pressure housing encasing the first container and configured to cause liquid contained in the first container to be transferred through the capillary tubes to the second container; and
- a liquid stop mechanism disposed adjacent to the second end of the capillary tubes that enables the capillary tubes to be completely filled prior to dispensing the liquid into the receiving reservoir.
- 42. (New) The system of claim 41, wherein said liquid stop mechanism comprises:
  a capillary cooler through which a portion of said capillary tubes extend to define a cold region of the capillary tube.
- 43. (New) The system of claim 42, wherein said capillary cooler comprises one or more of the group consisting of:
  - a Peltier cooling/heating system;
  - a resistive heating system;
  - a cryogenic fluid flow system; and
  - an air flow system.
- 44. (New) The system of claim 42, wherein said liquid stop mechanism comprises:
- a flow system comprising a flow chamber having chamber walls defining an flow cavity through which temperature-controlled cooling fluid or gas flows, wherein said cdold region of said capillary tubes are disposed in said flow cavity.

Application No. 09/199 Attny Dkt: 104464-00004

- 45. (New) The system of claim 44, wherein said cooling fluid or gas comprises at least one of the group consisting of air, water and liquid nitrogen.
- 46. (New) The system of claim 44, wherein said chamber walls are insulated.
- 47. (New) A method for transferring liquid between a first set of reservoirs and a second set of reservoirs via a plurality of capillary tubes each having a first end positioned in a corresponding one of said first set of reservoirs and a second end positioned in or above a corresponding one of said second set of reservoirs, the method comprising:

completely filling said capillary tubes with liquid contained in each said corresponding first set of reservoirs; and

subsequent to said complete filling of all said capillary tubes, dispensing the liquid contained in each of said capillary tubes into said corresponding one of said second set of reservoirs.

48. (New) The method of claim 47, wherein completely filling said capillary tubes comprises:

applying a differential pressure across said capillary tubes sufficient to cause the liquid contained in the corresponding first set of reservoirs to travel through said corresponding capillary tubes;

freezing the liquid in a region of each said capillary tube that is adjacent to said second end of said capillary tubes;

ceasing said application of said differential pressure;

melting said frozen liquid in said region of each said capillary tube; and reapplying said differential pressure to dispense into said corresponding set of second reservoirs said liquid contained in each said capillary tube.

49. (New) The method of claim 48, wherein freezing the liquid in the capillary tubes comprises:

cooling a region of each said capillary tube that is adjacent to said second end of said capillary tube to a temperature below the freezing point of the liquid in said capillary tubes.

Attny Dkt: 104464-00062

50. (New) The method of claim 48, wherein said melting said frozen liquid contained in said region of said capillary tubes comprises:

elevating said temperature in said region of each of said capillary tubes to melt said frozen liquid.

51. (New) The method of claim 47, wherein completely filling said capillary tubes comprises:

filling the liquid contained in each of said first set of reservoirs through each of the capillary tubes;

introducing into each of the capillary tubes a bolus of a fluid having a melting point that is higher than that of the liquid contained in said corresponding first set of reservoirs; and solidifying said bolus in a region of each said capillary tube adjacent said second end of each said capillary tube.

52. (New) The method of claim 51, wherein filling said capillary tubes further comprises:

controlling the temperature of each said capillary tube to allow said boli to travel through said capillary tubes to be disposed at a specific location within said capillary tubes.

- 53. (New) The method of claim 52, wherein the higher melting point fluid comprises one or more of the group consisting of:
  - a polymer substance;
  - a wax substance; and
  - a immiscible inert fluid.
- 54. (New) The method of claim 51, wherein dispensing the liquid contained in each of said capillary tubes into said corresponding one of said second set of reservoirs comprises:

controlling the temperature of each said specified location of said capillary tubes to allow said boli to travel from said specific location within said capillary tube to separate from said capillary tube.

55. (New) The method of claim 51, wherein the temperature is controlled by at least one of the group consisting of a Peltier cooling/heating system, a resistive heating system, a cryogenic fluid flow system and an air flow system.

Application No. 09/195 Attny Dkt: 104464-00004

#### REMARKS

By the foregoing Amendments Applicants have canceled all pending claims thereby rendering the rejections thereof moot, and have added new claims 41-55. These amendments are believed not to introduce new matter and their entry is respectfully requested. This application is now in condition for allowance. A notice of such is respectfully requested. Should the examiner need or desire to discuss this amendment or any other aspect of this application, Applicants request that the examiner contact the undersigned at the number below.

Respectfully submitted,

Michael G. Verga Reg. No. 39,410

Tel. (617)439-2871

Attorney Docket No. 104464-00002

Date: October 14, 2003

GAMIL IN AN ENVELOPE ADDRESSED TO: ANT COMMISSIONER FOR PATENTS, WASHINGTON, D231

1-23-2003

DATE

COPY

Docket No.: 104464-0002

(PATENT)

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Richard A. Mathies, et al

Michael D. Feiler

Application No.: 09/199,655

Group Art Unit: 1743

Filed: November 25, 1998

Examiner: P. Bex

For: MICROPLATE SAMPLE AND REAGENT

LOADING SYSTEM

#### LETTER TO THE EXAMINER

Examiner Bex Commissioner for Patents Washington, DC 20231

Dear Examiner Bex:

This paper is being filed with a Petition to Revive an unintentionally abandoned application and request for continued examination (RCE) application. Also filed with this paper is a revocation of all previous powers of attorney and appointment of new practitioners, including the undersigned, to prosecute the captioned application on behalf of the assignee of record, Affymetrix, Inc.

Due to the complexities in the prosecution of the parent application, the undersigned requests that the examiner contact the undersigned prior to examining the RCE application to arrange a time at which a substantive interview on the merits can be conducted. The undersigned will then file a Preliminary Amendment for examination.

Dated: January 23, 2003

Respectfully submitted,

Registration No.: 39,410

NUTTER MCCLENNEN & FISH LLP

World Trade Center West 155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2871

Attorneys for Applicant

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January 23,



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PAY TO THE ORDER OF:

Commissioner of Patents and Trademarks

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Commissioner of	f Patents and	Trademarks V	endor ID: 00	01670			Check #:28504
Invoice Num 01-23-2003-6		Invoice Date 1/23/2003	Invoid	\$750.00	Amount Paid \$750.00	Discount Taken \$0.00	<u>Payment Amt</u> \$750.00
	<u>Disb Date</u> 1/23/2003	<u>Client</u> 0104464	<u>Matter</u> 00002	<u>Disb</u> FILFEE	<u>Description</u> Filing Fee		<u>Amount</u> \$750.00
		Totals:	<del></del>	\$750.00	\$750.00	\$0.00	\$750.00

PTO/SB/30 (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE and to a collection of information unless it deplaces a unit of the collection of information unless it deplaces a unit of the collection of information unless it deplaces a unit of the collection of information unless it deplaces a unit of the collection of information unless it deplaces a unit of the collection of information unless it deplaces a unit of the collection of information unless it deplaces a unit of the collection of information unless it deplaces a unit of the collection of information unless it deplaces a unit of the collection of information unless it deplaces a unit of the collection of information unless its order of the collection of information unless its order of the collection of information unless its order of the collection of information unless its order of the collection of information unless its order of the collection of information unless its order of the collection of information unless its order of the collection of information unless its order of the collection of information unless its order of the collection of information unless its order of the collection of information unless its order of the collection of the collection of information unless its order of the collection of

Under the Paperwork Reduction Act of 1995, no persons are required to res

#### **REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

Address to: Commissioner for Patents Box RCE Washington, DC 20231

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Application Number	09/199,655-Conf. #3941
Filing Date	February 28, 2001
First Named Inventor	Richard A. Mathies
Group Art Unit	1743
Examiner Name	P. Bex
Attorney Docket No.	104464-0002

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-Identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June

8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.
1. Submission required under 37 CFR 1.114
a. Previously submitted
i. Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on (Any unentered amendment(s) referred to above will be entered).
ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on
iii. Other
b. x Enclosed
i. Amendment/Reply
ii. Affidavit(s)/Declaration(s)
iii. Information Disclosure Statement (IDS)
iv. x Other Letter to Examiner Bex
2. Miscellaneous
a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for
a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
b. Other
3. Fees The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.
a The Director is hereby authorized to charge the following fees, or credit any overpayments, to  Deposit Account No.
i. X RCE fee required under 37 CFR 1.17(e)
ii. Extension of time fee (37 CFR 1.136 and 1.17)
iii. Other
b. x Check in the amount of \$ 750,00 enclosed
c. Payment by credit card (Form PTO-2038 enclosed)
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED
Name (Print/Type) Michael G. Verga Registration No. (Attorney/Agent) 39,410
Signature Date January 23, 2003
Request for Continuing Examination  I hereby certify that this correspondence is being deposited with the U.S. Washington, J.C. 20231, on the date shown below.

I hereby certify that this correspondence an envelope addressed to: Box DAC,	Request for Continuing Examination te is being deposited with the U.S. Wortal Service with sufficient postage as First Class Mail, in Commissioner for Patents, Washington, DC 20231, on the date shown below.
Dated: January 23, 2003	Signature: (Michael D. Feiler)

)



PTO/SB/64 (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Docket Number (Optional) PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED **UNINTENTIONALLY UNDER 37 CFR 1.137(b)** 104464-0002 First named inventor: Richard A. Mathies Application No: 09/199,655-Conf. #3941 Art Unit: 1743 Filed: February 28, 2001 Examiner: P. Bex Title: MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM Attention: Office of Petitions **Box DAC** Commissioner for Patents Washington, DC 20231 NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282. The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained. APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Statement that the entire delay was unintentional. 1. Petition fee Small entity - fee \$ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. X Other than small entity – fee \$ \_\_\_1,300.00 (37 CFR 1.17(m)) 2. Reply and/or fee A. The reply and/or fee to the above-noted Office action in the form Request for Continuing Examination (identify the type of reply): has been filed previously on is enclosed herewith. B. The issue fee of \$ has been paid previously on \_ is enclosed herewith. Petition to Revive Application Unintentionally Abandoned I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Box DAC, Commissioner for Patents, Washington, C. 2021, on the date shown below. Daled: January 23, 2003 Signature;

PTO/SB/64 (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. Patent and Trademark Office; U.S. Patent and Trademark Office; U.S. Patent and Trademark Office; U.S. Patent and Trademark Office; U.S. Patent and Topic Office (10-01)

Under the Paper	work Reduction Act of 1995, no persons are	U.S. Patent and Trademark Office; U.S. DEPARTMENT OF CON required to respond to a collection of information unless it displays a valid OMB contro
3. Terminal	disclaimer with disclaimer fee	
I		
	since this utility/plant application (	was filed on or after June 8, 1995, no terminal disclaimer is requ
	A terminal disclaimer (and disclair	mer fee (37 CFR 1.20(d)) of \$ for a small en
	or \$ for other	er than a small entity) disclaiming the required period of time
<u>J</u>	s enclosed nerewith (see PTO/SE	3/63).
and Tra abandor	demark Office may require addit	ne required reply from the due date for the required reply until the R 1.137(b) was unintentional. [NOTE: The United States Pate ional information if there is a question as to whether either the tition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c))
	January 23, 2003 Date	Mahal b Vary
	Date	Signat⊌re
Telephone		Michael G. Verga
Number:	(617) 439-2871	Typed or printed name
		NI HTTER MOOLENINGMOOD STOLLING
		NUTTER MCCLENNEN & FISH LLP World Trade Center West
		155 Seaport Boulevard
		Boston, Massachusetts 02210-2604 Address
Endosures:	X Fee Payment	
	x Reply	
	Terminal Disclaimer Form	
• .	Additional sheets containing	statements establishing unintentional delay
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## UNITED S. ES PATENT AND TRADEMARK OFF.

Commissioner for Patents United States Patent and Trademark Office PO Box 1450 Arllington, VA 22313-1450 www.usplo.gov

Paper No. 30

JUN 1 6 2003

Nutter McClennen & Fish, LLP World Trade Center West 155 Seaport Boulevard Boston, MA 02210-2604

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JUN 1 3 2003

OFFICE OF PETITIONS

In re Application of Richard A. Mathies et al. Application No. 09/199,655 Filed: November 25, 1998 Attorney Docket No. 104464-0002

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 29, 2003, to revive the above-identified application. The decision mailed March 24, 2003 is vacated.

The petition is **DISMISSED**.

The application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner in reply to the final Office action mailed November 27, 2001, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on February 28, 2002.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

AUG 13, 2003-REQUESTA UNSIDERATION

Docket Department	
Reviewed by by by Retrieved NMF	

Application No. 09/199,655

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) were filed with the petition to revive on January 29, 2003. The request however, lacks the submission required by 37 CFR 1.114. A submission as used in 37 CFR 1.114 includes, but is not limited to, an information disclosure statement, an amendment to the written descriptions, claims, new arguments, or new evidence in support of patentability. See 37 CFR 1.114(c) and MPEP Section § 706.07(g).

Further correspondence with respect to this matter should be addressed as follows:

By mail:

" . nr 11

**Mail Stop Petitions** 

PO Box 1450

Arlington, VA 22313-1450

By facsimile:

(703) 308-6916

Attn: Office of Petitions

By hand:

Office of Petitions

2201 South Clark Place Crystal Plaza 4, Suite 3C23

Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

Latrice Bond

Paralegal Specialist Office of Petitions

Office of the Deputy Commissioner

for Patent Examination Policy

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

09/199,655

**Applicant** 

MATHIES, ET AL.

Filed

Track to .

November 25, 1998

Title

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

1743

Examiner

WARDEN, JILL ALICE

Atty Docket No.

AFFY-0019-8

Mail Stop Petitions P.O. Box 1450

Alexandria, VA 22313-1450

#### **LETTER**

Sir:

The below-identified communication(s) is (are) submitted in the above-captioned application or proceeding:

 $|\mathbf{x}|$ 

Status Inquiry

 $\times$ 

Patent Fee Transmittal Form and Authorization to Charge Deposit Account

 $\boxtimes$ 

The Commissioner is hereby authorized to charge payment of any fees associated with this communication, including fees under 37 C.F.R. §§ 1.16 and 1.17 or credit any overpayment to **Deposit Account Number 10-0233-AFFY-0019-8**.

Respectfully submitted,

Michael G. Verga

Registration Number 39,410

JAGTIANI + GUTTAG
Democracy Square Business Center
10363-ADemocracy Lane
Fairfax, Virginia 22030
(703) 591-2664

May 6, 2004

Revised 11-2003

Signature

May 6, 2004

Include dulipcate copy if paying by deposit acount

Date

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

09/199,655

**Applicant** 

MATHIES, ET AL.

Filed

November 25, 1998

Title

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

1743

Examiner

WARDEN, JILL ALICE

Atty Docket No. :

AFFY-0019-8

Mail Stop Petitions P.O. Box 1450

Alexandria, VA 22313-1450

#### **STATUS INQUIRY**

Sir:

On October 14, 2003, a Renewed Petition to Revive, as well as a Two-Month Extension of Time was filed with the Office of Petitions. On February 2, 2004, Ms. Latrice Bond, Paralegal Specialist at the Office of Petitions was contacted and indicated that there was no record that the Renewed Petition to Revive was received. On February 3, 2004, the Renewed Petition to Revive was faxed to the Office of Petitions. Applicant has not received any further communications from the U.S. Patent and Trademark Office with respect to the present application.

Therefore, Applicant hereby requests to be informed of the status of the above-identified application.

Respectfully submitted,

Michael G. Verga

Registration Number 39,410

JAGTIANI + GUTTAG
Democracy Square Business Center
10363-A Democracy Lane
Fairfax, Virginia 22030
(703) 591-2664

May 6, 2004

# JAGTIANI + GUTTAG - Democracy Square Rusiness Center, 10363-A Democracy Lune, Fairfax, VA 22030

<u>PATENT APPLICATION</u> (PENDING)

Auy, Docket No.: AFFY-9019-8

Applicants	Serial No.:
Applicants: MATHIES, et al.	Serial No.: 09/199,655
For: MICROPLATE	Filed: November 25, 1998
ATE	<b></b> -

FOR MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Special Instructions	DELIVER TO:
ĸ.	MAIL ROOM
	A D ART UNIT:

The PTO stamp hereon acknowledges receipt of:

- Status Inquiry

  Fee transmittal:
- Fee transmittal and Authorization to Charge Deposit Account



# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

09/199,655

**Applicant** 

MATHIES, ET AL.

Filed

NOVEMBER 25, 1998

Title

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

1743

Examiner

WARDEN, JILL ALICE.

Atty Docket No.

AFFY-0019-8

**Commissioner for Patents** 

P.O. Box 1450

Alexandria, VA 22313-1450

#### **LETTER**

Sir:

The below-identified communication(s) is (are) submitted in the above-captioned application or proceeding:

 $\boxtimes$ 

Status Inquiry

 $\boxtimes$ 

Fee Transmittal and Authorization to Charge Deposit Account

Respectfully submitted,

Michael G. Verga

Registration Number 39,410

JAGTIANI + GUTTAG Democracy Square Business Center 10363-ADemocracy Lane Fairfax, Virginia 22030 (703) 591-2664

January 27, 2005

#### **Patent Fee Transmittal** Application Number 09/199.655 for FY 2005 Filing Date 25-Nov-98 Named Inventor MATHIES, et al. Applicant Claims Small Entity Status 37 C.F.R. 1.27 **Examiner Name** WARDEN, Jill Alice Art Unit 1743 TOTAL AMOUNT OF PAYMENT \$0.00 Attorney Docket No. AFFY-0019-8 \*\*\* Includes fee changes from HR 4818, Sec. 801, signed on December 8, 2004 FEE CALCULATION 1. Filing Fees 2. Extra Claim Fee Large Entity Small Entity Application Type (3) Code a. Claims as Filed (\$) Large Entity Extra Basic 1011 300 2011 150 S (\$) Paid Utility 1311 200 2311 100 \$ 1201 50 2201 25 \$ Search 1111 500 2111 250 \$ 1202 200 2202 100 \$ Basic 1012 200 2012 100 \$ Aultiple Dependent 1203 360 2203 180 \$ Design Examination 1312 130 2312 65 b. Claims as Amended Search 1112 100 2112 50 Large Entity Small Entity 1013 200 2013 100 Ameri Extra (\$) Code Code (\$) Plant Examination 1313 160 2313 80 Total Claims 0 1201 50 2201 1113 300 2113 150 0 1202 200 2202 100 \$ 1014 300 2014 150 1203 360 2203 180 \$ Reissue Examination 1114 600 2114 300 \$ Search 1314 500 2314 250 3. Extra Page Fee Large Entity Small Entity 1631 300 2631 150 \$ Code (\$) Code (2) Paid National Stage 1633 Examination 200 2633 100 -100 1081 250 2081 1632 500 2632 250 Subtotal for Application Fees **Provisional** 1005 200 2005 100 \$ 3 \$ 4. Additional Fees Large Entity Small Entity Description (\$) Code (3) Description (cont.) Code (\$) Code (\$) Paid Extension for response first month 1251 120 2251 60 Recording each Assignment 8021 40 8021 40 \$ Extension for response second month 1252 2252 225 Submission of IDS 1806 1806 180 \$ Extension for response third month 1253 1,020 2253 510 \$ Request for Cont. Examination (RCE) 1801 790 2801 395 Extension for response fourth month 1254 1,590 2254 795 Filing Submission After Final 1809 790 2809 395 Extension for response fifth month 1255 2,160 2255 1,080 \$ Surcharge - late filing fee or oath 1051 130 2051 65 Notice of Appeal 1401 500 2401 250 \$ Surcharge - tate provisional fee 50 2052 25 \$ Filing a Brief in Support of an Appeal 1402 500 2402 250 \$ Non-English Specification 1053 130 1053 130 Request for Oral hearing 1403 1,000 2403 500 \$ Processing Fee 37 CFR 1.17(q) 1807 50 1807 50 Petitions under 1.17(f) 1462 400 1462 400 \$ Request for Ex Parte Reexamination 1812 2,520 1812 2,520 Petitions under 1.17(g) 1463 200 1463 200 Request Pub. of SIR prior to action 1804 920 1804 920 Petitions under 1.17(h) 1464 130 1464 130 \$ Request Pub. of SIR after action 1805 1 840 1805 1,840 Petition - public use proceeding 1451 1,510 1451 1,510 Each Add. Invention Examined 1810 790 2810 395 Petition to Revive - Unavoidable 1452 500 2452 250 **Expedited Examination (Design)** 1802 900 900 Petition to Revive - Unintentional 1453 1,500 2453 750 Unintentionally Delayed Priority Claim 1,370 1453 1,370 Utility Issue Fee 1501 1,400 2501 700 Certificate of Correction 1811 100 1811 100 \$ Design Issue Fee 1502 800 2502 400 Maintenance Fees 3.5 years 1551 900 2551 450 \$ Plant Issue Fee 1503 1,100 2503 550 Maintenance Fees 7.5 years 1552 2,300 2552 1,150 \$ Reissue Issue Fee 1511 1,400 2511 700 Maintenance Fees 11.5 years 1553 3,800 2553 1,900 Publication Fee 1504 300 1504 300 \$ Surcharge - Late Payment 6 mos. 1554 130 2554 65 \$ Statutory Disclaimer 130 2814 65 Other fee Additional Fee Subtotal \$ METHOD OF PAYMENT Name Michael Verga Reg. No. 39,410 Deposit Account No. Firm Jagtiani + Guttag 10-0233-AFFY-0019-8 Address 10363-A Democracy Lane, Fairfax VA 22030 The Commissioner is hereby authorized to charge any additional fees which Telephone 703.591.2664 703.591.5907 may be required under 37 CFR 1.16, 1.17, 1.18, 1.20 and 1.492 or credit any overpayment to the deposit account number listed above. January 27, 2005 Date Revised 12-2004

include dulipcate copy if paying by deposit a

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

09/199,655

Applicant

MATHIES, ET AL. NOVEMBER 25, 1998

Filed Title

MICROPLATE SAMPLE AND REAGENT LOADING SYSTEM

Art Unit

1743

Examiner

WARDEN, JILL ALICE

Atty Docket No.

AFFY-0019-8

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### **STATUS INQUIRY**

Sir:

On November 25, 1998, the above-identified application was filed. A Filing Receipt was mailed on December 14, 1998. An Office Action was mailed on March 15, 2000. A Response to the Office Action was filed on June 9, 2000. A Final Office Action was mailed on August 29, 2000. An Interview Summary was mailed on November 29, 2000. An Amendment After Final Rejection was filed on December 28, 2000. An Advisory Action was mailed on January 9, 2001. An RCE and Preliminary Amendment were filed on February 28, 2001. An Office Action was mailed on May 22, 2001. A Response to OA was filed on August 22, 2001. Corrected OFR was mailed on August 31, 2001. A Final Office Action was filed on November 27, 2001. A Response to Final Office Action was filed on January 30, 2002. A Response to Final Office Action was filed on February 27, 2002. A Notice of Abandonment was mailed on August 22, 2002. A Petition to Revive and RCE were filed on January 23, 2003. The Petition to Revive was dismissed on June 13, 2003. On October 14, 2003, a Renewed Petition to Revive, as well as a Two-Month Extension of Time was filed with the Office of Petitions. On February 2, 2004, Ms. Latrice Bond, Paralegal Specialist at the Office of Petitions was contacted and indicated that there was no record that the Renewed Petition to Revive was received. On February 3, 2004, the Renewed Petition to Revive was faxed to the Office of Petitions. A Status Inquiry was filed on May 6, 2004. On June 30, 2004 a copy of prior communications was forwarded to the petitions branch in response to a phone conversation with John Gillon on June 30, 2004. The June 30, 2004 submission was forwarded via facsimile to Mr. Gillon. Mr. Gillon acknowledged receipt of the documents. Applicant has not received any further communications from the U.S. Patent and Trademark Office with respect to the present application.

Therefore, Applicant hereby requests to be informed of the status of the above-identified application.

Respectfully submitted,

Michael G. Verga

Registration Number 39,410

JAGTIANI + GUTTAG
Democracy Square Business Center
10363-A Democracy Lane
Fairfax, Virginia 22030
(703) 591-2664
January 27, 2005

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